

INTERNATIONAL COURT OF JUSTICE

**DISPUTE REGARDING
NAVIGATIONAL AND RELATED RIGHTS
(COSTA RICA V. NICARAGUA)**

**REJOINDER OF
THE REPUBLIC OF NICARAGUA**

VOLUME II

ANNEXES

15 JULY 2008

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ANNEX 1

**Convention Between Nicaragua and Costa Rica, Supplemental to
the Convention of July 13th of this Year, Related to the
Improvement of the Colorado or San Juan Rivers (Rivas-
Esquivel) 21 December 1868**

**Convention between Nicaragua and Costa Rica Supplemental to the
Convention of July 13th of this Year, Related to the Improvement of the
Colorado or San Juan Rivers
Rivas-Esquivel
1868**

The Government of the Republic of Costa Rica and the Government of the Republic of Nicaragua, to conclude the preliminary Convention entered into at San José on the thirteenth of July of this year, related to the improvement of one of the two ports On the Atlantic, known as “San Juan del Norte or Greytown” and “Boca del Colorado”; and having the engineers from both Republics carried out their respective explorations and surveys, and having submitted the reports regarding the case, which have seen the public light; and to resolve as may be convenient within the spirit of the referenced Convention, the Government of Costa Rica has conferred its Full Powers to Mr. Aniceto Esquivel, Secretary of State at the Office of Foreign Affairs, and the Government of the Republic of Nicaragua, to Mr. Anselmo H. Rivas, Secretary of State of the same Government,

Who, after exchanging their respective Full Powers, found in good and due form, have agreed upon the following articles:

Article I

The Government of Costa Rica grants to the Government of Nicaragua the waters of the Colorado River, so that by diverting them from their present course, in whole or in part, and pouring them into the San Juan River, it may re-establish or improve the San Juan de Nicaragua port.

Article II

The Government of Nicaragua, on its part, commits to stipulate, in the event that any transit contract is entered into, whether with nationals or foreigners, that the freight rates established by Nicaragua for imported or exported products or merchandise shall also extend to Costa Rica, and any grace, privilege or cohesion obtained by Nicaragua, as far as transportation on the San Juan River is concerned, shall extend to Costa Rica on an equal footing.

Article III

Vessels from Costa Rica, which arrive at the San Juan del Norte port, shall not pay any duties which are not charged to the national vessels of Nicaragua.

Article IV

In the event that San Juan ceases to be a free port, and the Government of Nicaragua subjects to registration or taxation the merchandise which is imported or the products which are exported through it, the merchandise and products imported or exported by Costa Rica shall be exempt from such formalities and from the payment of any duties.

Article V

If in the previous case, it were to occur that the Government of Nicaragua, as a result of any internal disorder or because it finds itself at war, could not efficiently protect the San Juan port, the Government of Costa Rica is granted the right to send the necessary force to the aforesaid port to protect the commercial interests of Costa Rica, and the Government of Nicaragua shall not concur in the cost of this provision.

Article VI

The Government of Nicaragua ratifies by this Convention the Treaties it has concluded on limits with the Government of Costa Rica; and both parties submit to arbitration of the Government of the United States of America for the settlement of any question which may arise, either regarding those treaties or the execution of this Agreement.

Article VII

This Convention shall be approved by the President of the Republic of Costa Rica and by the President of the Republic of Nicaragua, and shall also be submitted to their respective Legislative Branch for ratification, and it shall enter into force immediately after it has been ratified.

In witness whereof, both Plenipotentiaries sign in duplicate and affix their respective seals.

[Signed] A. Esquivel

[Signed] A.H. Rivas

National Palace. San José, twenty-first of December of one thousand eight hundred and sixty-eight.

Finding that the foregoing Convention concurs with the conferred instructions, it is approved, and to this end, it shall be duly submitted to the Legislative Branch for ratification.

Countersigned by the
President of the Republic

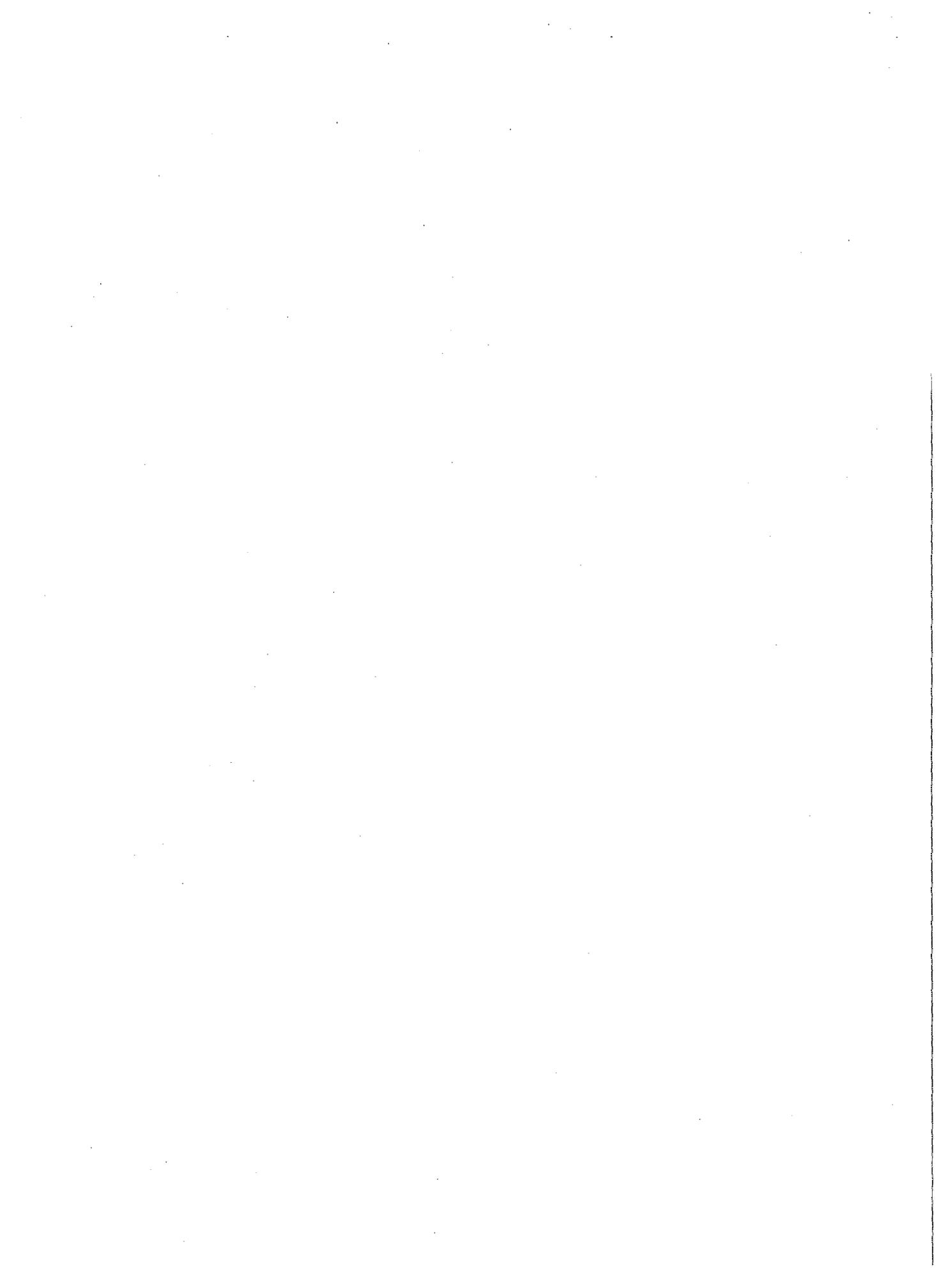
A. Esquivel



ANNEX 2

**Convention on Biodiversity Conservation and Protection of
Priority Wild Areas in Central America**

5 June 1992



**Convention on Biodiversity Conservation and Protection of Priority Wild
Areas in Central America**

PREAMBLE

**The Presidents of the Republics of Costa Rica, El Salvador,
Guatemala, Honduras, Nicaragua and Panama,**

Conscious of the need to establish regional mechanisms of economic integration and cooperation for rational use of the environment in the isthmus due to the intimate interdependence that exists between our countries;

Desirous of protecting and conserving natural regions of aesthetic interest, historical value and scientific importance that represent unique ecosystems of regional and global importance, and that have the potential to offer sustainable development options to our societies;

Affirming that conservation of biodiversity is a matter that concerns all individuals and States;

Noting that biological diversity is being seriously reduced and some species and ecosystems are threatened with extinction;

Emphasizing that the conservation of natural habitats and the maintenance of flora and fauna species must be carried out both in situ and ex situ;

Conscious of the relationship that exists between conservation and sustainable development, and reaffirming our decision to take actions for the preservation, recovery, rehabilitation and rational use of our ecosystems, including threatened flora and fauna species;

Convinced that it is necessary to promote respect for nature and law in order to improve the quality of human life in the region and promote the consolidation of peace and sustainable use and recovery of natural resources;

Highlighting that the creation, management and strengthening of Protected Areas play relevant roles in ensuring sustainable development, reproduction of essential ecological processes and rural development;

Recognizing that the Central American Commission for the Environment and Development (CCAD) is the competent body for formulating strategies and action plans that put in practice decisions for taking care of the environment;

Supporting the search for financial mechanisms that explicitly support all initiatives on the conservation of natural resources, including those in which friend countries effectively contribute; we have agreed to sign this Convention which shall be called:

**CONVENTION ON BIODIVERSITY CONSERVATION AND
PROTECTION
OF PRIORITY WILD AREAS IN CENTRAL AMERICA**

**CHAPTER I
FUNDAMENTAL PRINCIPLES**

Article 1. OBJECTIVE. The objective of this Convention is to ensure, as far as possible, the conservation of biological, terrestrial and coastal-marine diversity in the Central American region for the benefit of present and future generations.

Article 2. The Signatory Parties to this Convention reaffirm their sovereign right to preserve and exploit their own biological resources in accordance with their own policies and regulations regarding:

- a) The conservation and sustainable use, in a social function, of their biological resources; and
- b) The responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or areas beyond the limits of national jurisdiction.

Article 3. Conservation of biodiversity in border habitats or bodies of water requires the will of all and external cooperation, regional and global, in addition to the efforts developed by our nations, so that the international community is invited to participate, both technically and financially, in our effort.

Article 4. The fundamental requirements for conservation of biological resources are the in-situ conservation of ecosystems and natural habitats, and ex-situ measures that can be developed in each country of origin of said resources.

(...)

Article 9. DEFINITIONS. For the purpose of this regional Convention, the most important terms used in this Convention shall have the following meaning:

- * Protected Area: a geographically defined area, land or coastal-marine, which is designated or regulated and managed to achieve specific conservation objectives, that is to say, produce a series of specific goods and services (in-situ conservation).
- * Biodiversity or Biological diversity: all the species of flora, fauna and other living organisms, their genetic variability, and the ecological complexes of which they are part.
- * Conservation: the sustainable presentation, maintenance and rehabilitation of the elements of biological diversity.
- * Ex-situ conservation: the conservation of the components of biological diversity (genetic material or organisms) outside of their natural habitats.
- * Ecosystem: a complex of plant, animal and micro-organism communities and their non-living environment interacting as an ecological unit.
- * Endangered species: any threatened or endangered species that will not survive if the causal factors continue to operate.
- * Genetic material: any material of plant, animal, microorganism or other origin containing functional units of hereditary information.
- * Habitat: the place where an organism or population naturally occurs.

CHAPTER II

GENERAL OBLIGATIONS

Article 10. Each Member State of this regional framework commits to adopt, in accordance with its capabilities, national programs and priorities, all possible measures to ensure the conservation and sustainable use of biological diversity, as well as the development of the components of biological diversity in areas within each national jurisdiction, and to cooperate, as far as possible, in regional border actions.

(...)

Article 13. For the purpose of the performance of this Convention, each Member State shall:

- c) Cooperate with the Central American Commission for the Environment and Development (CCAD) in the development of measures, procedures, technologies, practices and standards for the regional implementation of this Convention.

- d) Implement economic and legal measures to promote sustainable use and development of the components of biological diversity.
- e) Ensure the adoption of measures that contribute to the conservation of natural habitats and their populations of natural species.
- f) Provide, individually or in cooperation with other States and international organizations, new and additional funds to support the implementation of national and regional programs and activities related to conservation of biological diversity.
- g) Promote and support scientific research at national universities and regional research centers, in conjunction with interested international organizations.
- h) Promote public awareness in each country with respect to the necessity of conserving, making sustainable use and developing the biological wealth of the region.
- i) Facilitate information exchanges amongst national institutions, the Central American countries and other international organizations.

CHAPTER III MEASURES FOR EXECUTION

Article 14. Each Member State shall develop its own conservation and development strategies, amongst which the conservation of biological diversity and the establishment and management of protected areas shall be a priority.

Article 15. Each Member State shall integrate, as quickly as possible an appropriate, the conservation and sustainable use of biological resources in the relevant policies and programs of other sectors.

Article 16. The elaboration of a national law on conservation and sustainable use of the components of biological diversity shall be promoted in each country of Central America.

Article 17. Relevant institutions in each Member State shall identify, select, create, manage and strengthen, as early as possible, national parks, natural and cultural monuments, wildlife refuges or other protected areas, which shall serve as instruments to guarantee the conservation of representative samples of the main ecosystems of the isthmus, prioritizing those that contain high water-yielding forests.

Article 18. This Convention prioritizes the development and strengthening of border protected areas in the following terrestrial and coastal regions:

- * Maya Biosphere Reserve
- * Fraternidad or Trifinio Biosphere Reserve
- * Gulf of Honduras
- * Gulf of Fonseca
- * Coco River or Solidaridad Reserve
- * Miskito Keys
- * International System of Protected Areas for Peace (SIAPAZ)
- * Salinas Bay Reserve
- * La Amistad Biosphere Reserve
- * Sixaola Reserve
- * Darien Region

(...)

Article 24. Mechanisms shall be established to control or eradicate those alien species that threaten ecosystems, habitats and wildlife species.

Article 25. Greater efforts shall be developed so that each State of the region ratify as early as possible the Convention on International Trade in Endangered Species (CITES), the Convention on Wetlands of International Importance especially as Waterfowl Habitat (RAMSAR) and UNESCO's Convention Concerning the Protection of the World Cultural and Natural Heritage, providing all guarantees for internal compliance.

(...)

CHAPTER IV GENERAL PROVISIONS

Article 39. RATIFICATION. This Convention shall be subject to ratification by the Member States in accordance with the internal norms of each State.

Article 40. ACCESSION. This Convention shall be open for accession by the Member States of the Mesoamerican region.

Article 41. DEPOSITARY. The instruments of ratification or accession and withdrawals from this Convention and its amendments shall be deposited with the Ministry of Foreign Affairs of the Republic of Guatemala, which shall send a certified copy to the Foreign Ministries of the other Member States.

Article 42. ENTRY INTO FORCE. For the first three depositing States, this Convention shall enter into force on the eighth day after the date of deposit of the

third instrument of ratification, and for the other signatory or accessioning States, on the date of deposit of their respective instruments.

Article 43. REGISTRATION. Upon the entry into force of this Convention and its amendments, the Foreign Ministry of Guatemala shall send a certified copy to the Secretary General of the United Nations for registration as provided in Article 102 of the UN Charter.

Article 44. TERM. The term of this Convention shall be ten years counted from the date of entry into force and shall be renewed for consecutive ten-year terms.

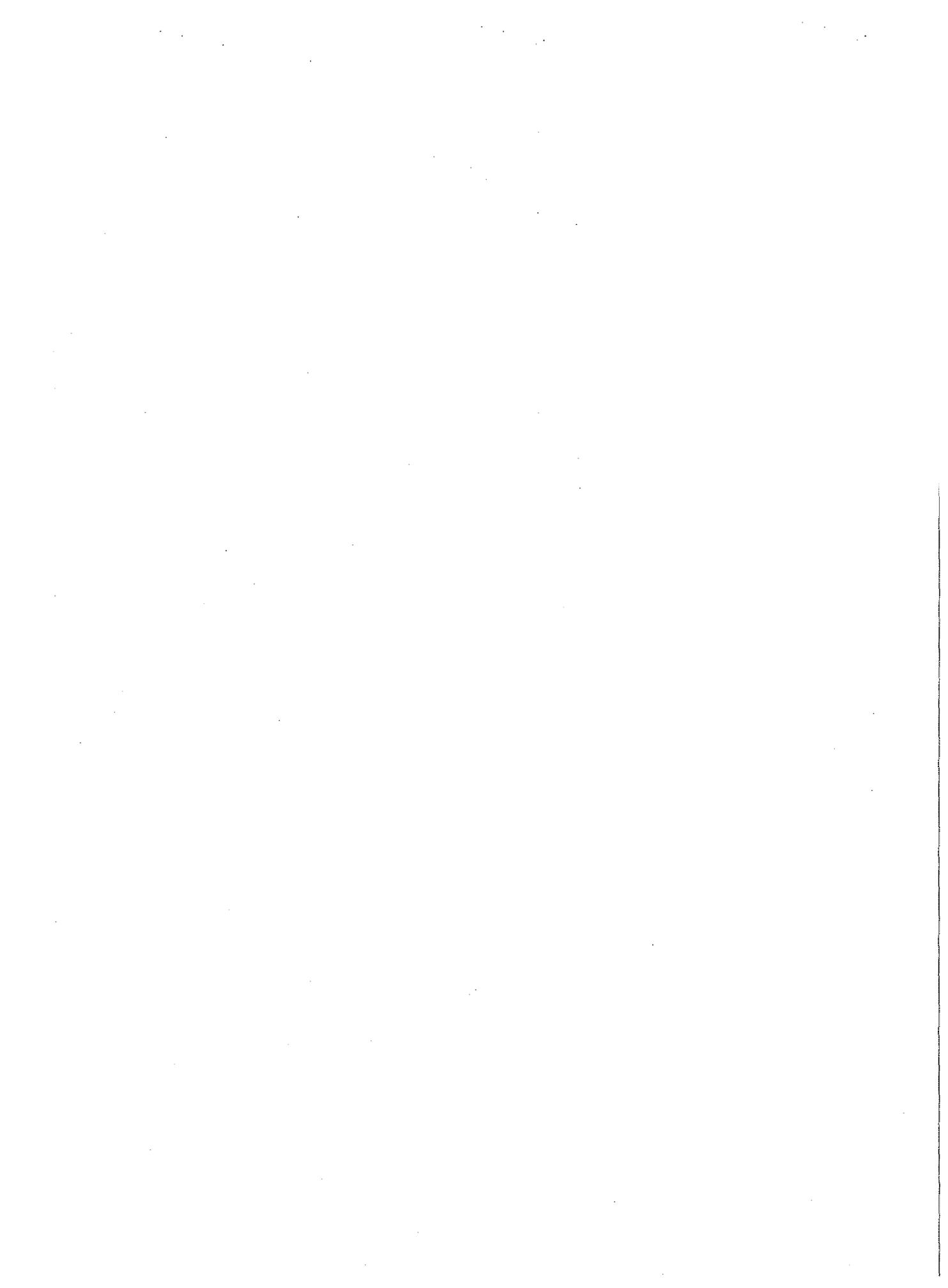
Article 45. WITHDRAWALS. Any Member State may withdraw from this Convention. The withdrawal shall take effect upon expiry of six months its deposit, and the Convention shall remain in force for the other States provided that at least three States remain adhered to it.

Done at the celebration of the International Day of the Environment on the fifth of June of 1992 during the XII Central American Presidential Summit in Managua, Republic of Nicaragua.

ANNEX 3

**Inter-Institutional Convention for Environmental Conservation
and the Sustainable Use of Natural Resources Signed Between the
Ministry of the Environment and Natural Resources and the
Sandinista People's Army**

29 March 1995



**INTER-INSTITUTIONAL CONVENTION FOR ENVIRONMENTAL
CONSERVATION AND THE SUSTAINABLE USE OF NATURAL
RESOURCES
SIGNED BETWEEN THE MINISTRY OF THE ENVIRONMENT AND
NATURAL RESOURCES AND THE SANDINISTA PEOPLE'S ARMY**

We, the undersigned, Mr. Milton Caldera Cardenal, on behalf of the Ministry of the Environment and Natural Resources, and Army General Joaquín Cuadra Lacayo, on behalf of the Sandinista People's Army:

(...)

The Ministry of the Environment and Natural Resources (MARENA), for its part and within the general terms of this convention, specifically commits to the following:

- 1.- To appoint an entity for coordination and communication with the Sandinista People's Army. To do so, the Ministry confers said appointment permanently to its Vice Minister.
- 2.- To provide with due prior notice the information necessary for the optimal planning and development of actions to be requested of the other Institution.
- 3.- To facilitate MARENA installations when the Sandinista People's Army transfers Units to areas that require protection, with prior coordination with the same.
- 4.- To assign specialized personnel to provide training on environmental topics and natural resource conservation within the regular academic programs for Officers and Classes of the Sandinista People's Army.
- 5.- To provide the necessary technical training to military personnel who participate in specific ecological missions, supporting the EPS [Sandinista People's Army] in general when so requested with the integral education of Leaders and Officers.
- 6.- To ensure budgetary support to provide personnel with the technical means and other resources required to comply with any functions proposed for the EPS that exceed the Armed Institution's own assigned resources.

For its part, the Sandinista People's Army commits specifically to the following:

- 1.- To appoint a member of the General Staff to establish coordination and communication with MARENA.
- 2.- To include a broad program related to Environmental preservation and the sustainable use of Natural Resources within the Instruction and training plans for Officers, Classes and Soldiers.
- 3.- To include ecological activities within the institution's annual planning, to be implemented in a coordinated manner with MARENA.
- 4.- To pay special attention to protected areas and the projects of greater importance implemented within them: SI-A-PAZ, CAYOS MISKITOS, COSIGÜINA, BOSAWAS and VOLCAN MASAYA; SEA TURTLE PROTECTION AND CONSERVATION; PLAN TO CONTROL AND PROTECT THE CLOSED HUNTING SEASON FOR LOBSTER AND SHRIMP SPECIES IN ATLANTIC WATERS; PROTECTION OF FOREST, MANGROVE AND MARINE FAUNA (SHRIMP LARVAE) RESOURCES.
- 5.- To present, in coordination with MARENA, the necessary suggestions referring to the coordination of measures to be implemented with military authorities from bordering countries, with the objective that the Ministry of Foreign Affairs prepare the necessary documents or agreements for signing with the respective Governments.
- 6.- To support programs and control actions against the illegal activities of traders and smugglers of land and aquatic flora and fauna, pursuant to the Protocol signed with the World Society for the Protection of Animals (WSPA) and to the Convention on International Trade in Endangered Species (CITES).
- 7.- To support a program to control the illegal felling of trees throughout the national territory, and to become involved in the analysis of possible solutions to the destruction of forests caused by the advance of the agricultural frontier.

- 8.- To support MARENA and Communities, upon request, in actions involving reforestation, environmental recovery, fire fighting and any other activity related to these general stated objectives and over which agreements are made.

Both institutions commit jointly to the following:

- 1.- To prepare annual plans and summaries in order to combine efforts, resources and knowledge to contribute to environmental protection and conservation and the sustainable use of natural resources. To evaluate the effectiveness and efficiency of executed plans, for their divulgation through the media.
- 2.- To adopt joint measures seeking to prevent illicit exploitation of natural resources and negative effects on the environment. To confront jointly the conflicts derived from the completion of these functions.
- 3.- To prepare territorial conventions between communities and MARENA and EPS Delegates.
- 4.- To create mechanisms for the control and monitoring of the points referred to in this convention. To coordinate in the future with the National Environmental Information and Surveillance System, which will be established in accordance with Article 2, Number 6 of Law 1-94.
- 5.- To seek resources with which to carry out the proposed tasks.
- 6.- To invite other state Institutions and the population to join the efforts that both institutions have been making for many years and that today are being detailed in this Convention.
- 7.- In the event of noncompliance by either of the parties, both commit to meeting immediately, with the contracted responsibilities and obligations remaining suspended until a reasonable agreement is reached. Upon request by either of the parties, proposals for changes to this agreement will be analyzed.

In witness whereof, we hereby sign two identical copies, on 29 March 1995.

[Signature]

MR. MILTON CALDERA CARDENAL
MINISTER
MARENA

[Stamp]

[Signature]

ARMY GENERAL
JOAQUIN CUADRA LACAYO
COMMANDER-IN-CHIEF OF
THE SANDINISTA PEOPLE'S ARMY

[Stamp]

ANNEX 4

**Final Minutes from the IV Nicaragua-Costa Rica Binational
Meeting 13 May 1997**

**FINAL MINUTES FROM THE
IV BINATIONAL MEETING NICARAGUA-COSTA RICA**

The IV Meeting of the Binational Nicaragua-Costa Rica Commission celebrated in the City of Granada, Republic of Nicaragua, on the 12 and 13 of May 1997, counted with the participation of high-level government officials from the governmental institutions involved in the development of the border areas, it evolved in an environment of Central American fraternity that allowed an ample exchange of opinions over the issues of interest that conform the bilateral agenda, on which the various Sub-Commissions reached important agreements.

The meeting was presided over by the Ministers of Foreign Affairs, and counted with the participation of delegations from the Legislative Branches and representatives from local authorities from the bordering communities from both countries, which contributed to reaching a more integral perspective over the various issues addressed. The meeting had the honor of being closed by The Honorable Presidents from both countries.

(...)

The agreements reached by the various working groups are the following:

I. SUBCOMMISSION ON SECURITY AND IMMIGRATION AFFAIRS

I. IMMIGRATION AFFAIRS AND MIGRANT LABOR

(...)

II. BORDER SECURITY

(...)

c) Drug Trafficking

Faced with the problem presented by the Costa Rican delegation regarding the existence of sites that require the presence of authorities with competency in this matter, it was agreed that Nicaragua will make efforts to establish posts at determined sites, so as to extend coverage in the fight against this crime.

In addition, the parties agreed on the need to strengthen the exchange of information and to coordinate determined operations to fight this crime.

With respect to the movement of vessels, it was considered necessary that they navigate only if duly registered by the posts that issue corresponding navigation certificates; in this case, the posts at San Juan del Norte, San Carlos and Sarapiquí.

ANNEX 5

**Argument on the Question of the Validity of the Treaty of Limits
Between Costa Rica and Nicaragua and Other Supplementary
Points Connected with it, submitted to the Arbitration of the
President of the United States of America, Filed on Behalf of the
Government of Costa Rica. Washington: Gibson Bros., 1887.
[Extracts]**



(...)

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(...)

In 1846 Costa Rica had to pass through an exceptional crisis. Coffee, its principal export product, had experienced remarkable depreciation in the foreign markets, and could not stand competition, owing to the high freight that it had to pay when carried by the way of Cape Horn. It was of vital importance, and worthy of any sacrifice whatever, to have a passage open to the Northern Sea, that is, the Atlantic Ocean. The old port of Matina could not answer the purpose, owing to insuperable obstacles, and no recourse was left except making the exports through San Juan del Norte.

As shown before, Costa Rica had always had a perfect and indisputable right of joint ownership in the San Juan river; but, as the harbor and bay were then occupied by Nicaragua, Costa Rica decided to make an effort, and seek for a settlement, which, setting aside interminable discussions, would enable its Government to carry into effect the purpose above referred to. To this end it sent to Nicaragua Senores Madriz and Escalante, with such instructions as proper, to treat with her Government.

The pretensions of Nicaragua were so exorbitant that neither the Government nor the Congress of Costa Rica, in spite of their determination to yield all that was practicable 'for the sake of obtaining an immediate adjustment, could approve of the arrangements made. Then: it was when Nicaragua, for the first time, carried her territorial pretensions on the side of the San Juan river as far as the neighborhood of Matina, and when she suggested, as a compromise, that the territory between Matina and the San Juan river should be divided equally between both countries. She demanded besides a tribute to be paid to her for the transit of Costa Rican merchandise through the San Juan river!

In 1848, the Government of Costa Rica made another attempt to obtain from Nicaragua an equitable settlement, and accredited to her a Legation which it entrusted to Licenciado.

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THIRD PART.
ANSWER TO THE QUESTIONS PROPOUNDED BY NICARAGUA IN
REGARD TO THE RIGHT CONSTRUCTION OF THE TREATY OF
LIMITS.

CHAPTER I.

WHETHER THE STARTING-POINT OF THE BORDER LINE IS MOVABLE
AS THE WATERS OF THE RIVER, OR WHETHER THE COLORADO
RIVER IS THE LIMIT OF NICARAGUA, AND WHETHER THE WATERS
OF THE SAN JUAN RIVER CAN BE DEVIATED WITHOUT THE
CONSENT OF COSTA RICA.

IN compliance with Article VI of the Convention of Arbitration concluded at Guatemala, and by telegram received at the city of San Jose, of Costa Rica, on the 23d of June ultimo, the Government of Nicaragua communicated with the Government of Costa Rica the eleven questions or points which the former considers to be of doubtful interpretation, and which are to be submitted additionally to the decision of the Arbitrator.

For Costa Rica there is not one single point in the treaty of limits which is not perfectly clear and intelligible, or the interpretation of which admits of any doubt. For this reason I do not submit to the consideration of the Arbitrator any question relative to this point, and shall have to confine myself to answer those which the Government of Nicaragua has propounded, and dispel any doubt which might arise therefrom.

But while it is true that the treaty is clear, it is also true that the doubts propounded by Nicaragua exhibit such subtlety and ambiguity as scarcely can be found elsewhere...

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(...)

But the best proof which can be given of the fact that the doctrine herein held by me is the only legitimate and correct one will be found in the explicit sanction which Nicaragua herself has given to it.

By Article VIII of the treaty of limits of 1858 it was stipulated that, before entering into any contract of canalization or transit, Costa Rica should be consulted ; and the reason of this provision was, as plainly stated in Article VIII, because of the “ disadvantages that the transaction might produce “ for Costa Rica. This was proper and just, as, also, was the stipulation that the opinion of Costa Rica should not be merely advisory and consultative, but an actual vote, when the disadvantages alluded to were such as “to injure” the natural rights of Costa Rica.

Natural rights, disadvantages, injury, necessity of consultation, the right of veto, if such can be said, have been acknowledged ; and all of this means that Costa Rica has a perfect and indisputable right to oppose the deviation of the course of the San Juan river.

If Costa Rica has this right when the work to be done refers exclusively to canalization and transit, how can it be denied when the work to be done is the radical one of carrying the river elsewhere, and depriving Costa Rica of the long river front which she now enjoys?

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CHAPTER II.

WHETHER, MEN-OF-WAR OR REVENUE CUTTERS OF COSTA RICA CAN NAVIGATE ON THE SAN JUAN RIVER.

BY the necessity of system, and following the plan initiated, I must now pass to occupy myself with question No. 8, propounded by Nicaragua.

This question reads as follows:

“Eight.

“If Costa Rica, who, according to Article VI of the treaty, has only the right of free navigation for the purposes of commerce in the waters of the San Juan river, can also navigate with men-of-war or revenue cutters in the same waters?”

In order that the language be precise, and that the meaning of the compact should not be modified by the introduction of a word, I must begin by calling the attention of the arbitrator to the fact that the word only which occurs in the question does not occur in Article VI of the treaty of limits.

That article simply reads in this way:

“But the Republic of Costa Rica shall have in the said waters the perpetual rights of navigation, from the above said mouth up to a point three English miles distant from Castillo Viejo, for the purposes of commerce, either with Nicaragua or with the interior of Costa Rica,” &c.

Does this mean that Costa Rica cannot under any circumstances navigate with public vessels in the said waters, whether the said vessel is properly a man-of-war, or simply a revenue cutter, or any other vessel intended to prevent smuggling, or to carry orders to the authorities of the bordering districts, or for any other purpose not exactly within the meaning of transportation of merchandise?

The answer seems to be very simple, especially when the

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fact is taken into consideration that, under no circumstances whatever, even in case of war, acts of hostility can be done by either of the two Republics against the other in the waters of the river, or of the Lake of Nicaragua, or the Bay of San Juan.

It seems to be beyond discussion that Costa Rica can navigate in the San Juan river with public vessels, which are not properly men-of-war.

It was stipulated in the treaty, to the benefit of Nicaragua, that Nicaraguan vessels could bring their cargoes to the Costa Rican bank of the river and unload them there; and this permission, or right, presupposes, necessarily, the correlative right of Costa Rica to watch its own banks by the only practicable means, which is the revenue police, during the whole course of the river navigable for Costa Rica.

If this only means of vigilance would not be permitted, the Costa Rican commerce would be deprived of protection and at the mercy of smuggling.

Within the meaning of the words, commercial navigation, both the revenue police, the carrying of the mails, and all other public services of the same kind are necessarily included.

In regard to men-of-war, there is no reason why they cannot be admitted upon the waters of the San Juan river.

Carlos Calvo, in his work already cited, Book IV, § 230, says the following : * *
* "In principle, a port of free entry is considered tacitly as one accessible to the men-of-war of all nations, and, unless stipulated to the contrary, the free access granted to all merchant vessels is extended to war vessels of the friendly nations. This is a point upon which all writers of public law fully agree."

By analogy, this doctrine can be perfectly well applied to the navigable rivers; and if all the friendly nations have the right to navigate with men-of-war in the large rivers, why can the right of Costa Rica to do the same thing on the San Juan river be disputed by Nicaragua, who is separated from

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Costa Rica might claim the same privilege granted to the three above-named nations, because, under Article IV of the treaty of August 14, 1868, between Nicaragua and Costa Rica, it was provided that everything granted to any nation whatsoever by either contracting party must be at once understood to be common to the other. This stipulation would give Costa Rica the right to place on the waters of the San Juan river, in the event foreseen, and for the purposes had in view by these treaties, all kinds of men-of-war.

But there is, after all, a fundamental consideration which is perplexing, not, certainly, on account of the decision to be given to the point in question, but owing to the difficulty of understanding how the Government of Nicaragua could ever consider this point of the treaty of limits of 1858 to be doubtful and admit of different interpretations.

All that I have said in this portion of my work in explanation of the facts and law which relate to the subject might be erroneous, badly brought, irrelevant, and absolutely inadmissible on general principles, and, nevertheless, it would be trite that Costa Rica can navigate with men-of-war and other Government vessels on the waters of the San Juan river. It is Nicaragua herself who has solemnly granted

that right by an article of that very same treaty which she alleges to be doubtful or capable of different interpretation.

“Costa Rica shall also be bound,” says the second part of Article IV of the treaty, “owing to the portion of the right bank of the San Juan river, which belongs to it, * * * to co-operate in its custody; and the two Republics shall equally concur in its defence in case of foreign aggressions; and this will be done by them with all the efficiency that may be within their reach.”

It can be seen by these phrases, as plainly and transparently as they can be, that Costa Rica has not only the right but the duty, or to follow exactly the language of the treaty, the “obligation,” not only of watching, guarding, and defending its own river bank, but of contributing to the custody and defence of the other bank belonging to Nicaragua.

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If that duty should not be complied with with all the efficiency within the reach of Costa Rica, the latter nation would violate an obligation contracted in a solemn treaty, and Nicaragua might prefer against Costa Rica a well-grounded charge. And if this is the case, how can it be possible for Nicaragua to suppose that Costa Rica has no authority to navigate in the said river with Government vessels to be used in the police service of the locality, and in the custody of the two banks, and with regular men-of-war to be used in the defence, as efficient as possible, of the same banks in case of foreign aggressions?

No one can accomplish a purpose, unless he has the means to do it; and it would be against logic and reason to impose upon, either a man or a government, the duty of guarding and defending a place, and at the same time deprive the one or the other of the right of arming or preparing themselves for resisting in the proper manner the aggression foreseen.

“The right to a thing,” says Wheaton, “gives also the right to the means without which that thing cannot be used.” (Part III, chap. IV, § 18). “This is founded on natural reason, is accredited by the common opinion of mankind, and is declared by the writers.”

Let it not be said that the authority to navigate with men-of-war is only confined to the special case of foreign aggression. The treaty does not refer to this case exclusively, but speaks also of guard or custody, which means watching, vigilance, and other things of permanent character and necessarily previous to actual defence. This, especially in a river, cannot be improvised at the very same

instant that trouble arises; since, in order that it may be possible and efficient, a perfect knowledge of the locality, which cannot be acquired except by navigating the same river, is absolutely indispensable.

Much more so when it is well known that the navigation of the San Juan river encounters many obstacles, not only on account of its shallowness at certain places, but also owing

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to its rapids and other dangers. The defence of a river of this kind, without practical knowledge of all its peculiarities, rather than defence would be a sure surrender to the enemy of the elements brought into action to oppose it.

Let it not be claimed either that Costa Rica is relieved from the duty assumed by her of guarding and defending the river, nor that such duty has ceased or been abridged through the fact that Nicaragua denies to her the right to navigate said river with men-of-war ; because the navigation of the San Juan river, which is the boundary between Costa Rica and Nicaragua, and is a boundary open and accessible to invasions by all kinds of enemies, was mentioned in the treaty, not simply for the benefit of Nicaragua, and as an obligation on the part of Costa Rica, but because it involves also a sacred right of the most vital importance for its safety and preservation.

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No. 27

(...)

The attention of the government of Nicaragua has been forcibly called to the condition of the port of San Juan del Norte, which has been filled up and almost rendered useless on account of the sand which has accumulated in it ever since its waters have abundantly flowed into the channel of the Colorado river; and such a state of things must also demand the attention of Costa Rica, because the interest of the latter in this subject is not less felt, since by existing treaties she has the right of navigation and free import from there.

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No. 32.

*The Government of Nicaragua asks for some forces to be situated at Sarapiquí (a
confluent of the San Juan river, on the right bank).*

GOVERNMENT HOUSE,

GRANADA, April 23, 1863.

Mr. MINISTER : Mr. Felix Belly, who has recommended himself so much by reason of his former action in Central America, has submitted to this Government a project of inter-oceanic transit and steam navigation in the interior of the Republic, an authorized copy of which I have the honor to enclose to you, for the purposes of Article VIII of the treaty of April 15, 1858.

With reference to your estimable Dispatch of the 1st instant, relative to the difficulties that lately arose between the Government and the Central American Transit Co., I must inform you, for the knowledge of your Government, that two agents of the said company, duly authorized by it to revalidate the contract which the Government had declared to be void, have just arrived in this city. Up to this date the Government has not deemed it advisable to listen officially to the proposals that they have come to make, its reasons to do so being, 1st, that they have not yet paid the sums due to this Republic as tolls for passengers ; and, 2d, because the Government thinks that, if not all, some, at least, of the officers of the company are accessories to the piratical and filibuster outrage perpetrated on the 7th instant at the La Virgen Bay, on board the steamer San Juan, unfortunately in connivance with forces of Honduras and Salvador ; but, as in the difficult situation in which Nicaragua finds herself at present it is possible for the company to do some violence to the rights of this Republic, the Government may perhaps be compelled by pure necessity to enter with it into some equitable arrangement of temporary character, but by no

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(...)

I do not think it to be inopportune in view of the current events to recommend to you and the Supreme Government of your country to cause some forces to be stationed at Sarapiquí to meet on that side any emergency that the same events might occasion there.

I take advantage of this opportunity to reiterate to you the just considerations with which I subscribe myself, your very attentive and obedient servant,

EDUARDO CASTILLO.

To the Hon. THE MINISTER OF FOREIGN RELATIONS of
the Supreme Government of Costa Rica.

(...)

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No. 38.

The Minister of Nicaragua in Washington solemnly declares -before the American Government that the Republic of Costa Rica borders on the interior waters of Nicaragua, and that its flag is the only one which, in union with the Nicaraguan flag, can float on said waters.

LEGATION OF NICARAGUA,

WASHINGTON, Oct. 7, 1863.

MOST EXCELLENT SIR:

On the other hand, I can assure Your Excellency that the present administration of Nicaragua DOES NOT FEEL DISPOSED TO CONSENT THAT ANY OTHER FLAG, EXCEPT HER OWN AND THAT OF COSTA RICA, AS A BORDERING STATE, SHOULD FLOAT IN THE NAVIGATION OF HER INTERIOR WATERS, and that it considers that the use of the flag of the United States made by the Central American Transit Company, and even by the meanest laborers of the same, for the purpose of evading the orders and escaping the authority of Nicaragua, is an unauthorized abuse, and that, it being persuaded that such an abuse can only produce complications, it will maintain its right, and will demand from the said company, or from any other company owing its existence to it, that it should root itself in the country and become, therefore, nationalized, according to the law of nations, and use pre-eminently the national flag, whenever one should be required within its jurisdiction, no other flag being admitted, except under exceptional circumstances and through courtesy.

LUIS MOLINA.

To His Excellency WILLIAM H. SEWARD,

c&c., c&c., &c., Washington, D. C.

[From "La Gaceta" of Nicaragua, No. 49, January 16, 1864.]

ANNEX 6

**Reply to the Argument of Nicaragua on the Question of the
Validity or Nullity of the Treaty of Limits of April 15, 1858, to be
decided by The President of the United States of America, as
Arbitrator, Filed on Behalf of the Government of Costa Rica.
Washington: Gibson Bros., 1887. [Extracts]**



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No. 55.

The exportation through San Juan de Nicaragua of the natural products of the public lands of Costa Rica, such as timber, sarsaparilla, rubber, balsams, resin, &c., is prohibited, in order to prevent the natural wealth of the northern section of Me Republic from being destroyed.¹

JESUS JIMENEZ,

Provisional President of the Republic of Costa Rica:

In order to prevent the valuable natural productions of the public lands on the Atlantic side from being destroyed, and also to repress smuggling and protect lawful commerce, I do hereby decree:

ARTICLE 1. The exportation THROUGH SAN JUAN DE NICARAGUA OF TIMBER, SARSAPARILLA, RUBBER, BALSAMS, RESINS, AND ALL OTHER NATURAL PRODUCTS OUT, OR EXTRACTED, OR COLLECTED, IN THE FORESTS SITU &TED ON THE PUBLIC LANDS OF THE REPUBLIC BETWEEN THE ANDES AND THE ATLANTIC, is hereby prohibited, unless under previous authority given by the Judge of the Treasury and by virtue of a contract entered into with the Government by proposals and bids. All works undertaken in the said locality for the purpose of exporting the said products in the manner aforesaid are also prohibited.

ARTICLE 2. Whoever shall violate the provisions of the foregoing Article shall lose the cargo so attempted to be carried and shall be fined one hundred dollars, or, in default of payment, if the person has not sufficient property within the Republic to pay that amount, he shall suffer three months of imprisonment at hard labor.

ARTICLE 3. REVENUE POSTS SHALL BE ESTABLISHED IN EVERY PLACE OF OONFLUICNOE OF THE SAN CIRLOS AND SARAPIQUI RIVERS WITH THE SAN JUAN. Each one of these posts shall be commanded by a corporal, who shall have three privates under him; but the number of the latter shall be increased if the

¹This decree was the first germ of the idea of repudiating the treaty of 1851.

necessities of the service require it. The corporals shall be paid fifty dollars and the guards thirty-five dollars per month each.

ARTICLE 4. It shall be the duty of these posts, 1st. To prevent the exportation of the natural products of the public lands of the Republic, and their being worked or obtained for that purpose. 2d. To seize those products already cut down, collected or extracted, and send them whenever possible and convenient, together with the arrested transgressors, to the nearest authority in order that the latter may cause the preliminary investigation to be made and submit the record thereof, together with the prisoners, to the court which must pass sentence. 3d. To seize every article the trade of which the Government has reserved for itself and those whose importation is forbidden, if attempted to be introduced into the Republic, and send them, together with the prisoners, to the nearest authority, in the manner and for the purposes above named. And 4th. To watch that no articles of lawful commerce are introduced into the country without the formalities prescribed by this decree; to detain those which may be attempted to be introduced clandestinely and fraudulently; and to report without loss of time to the proper officer, who must declare them forfeited.

* * * *

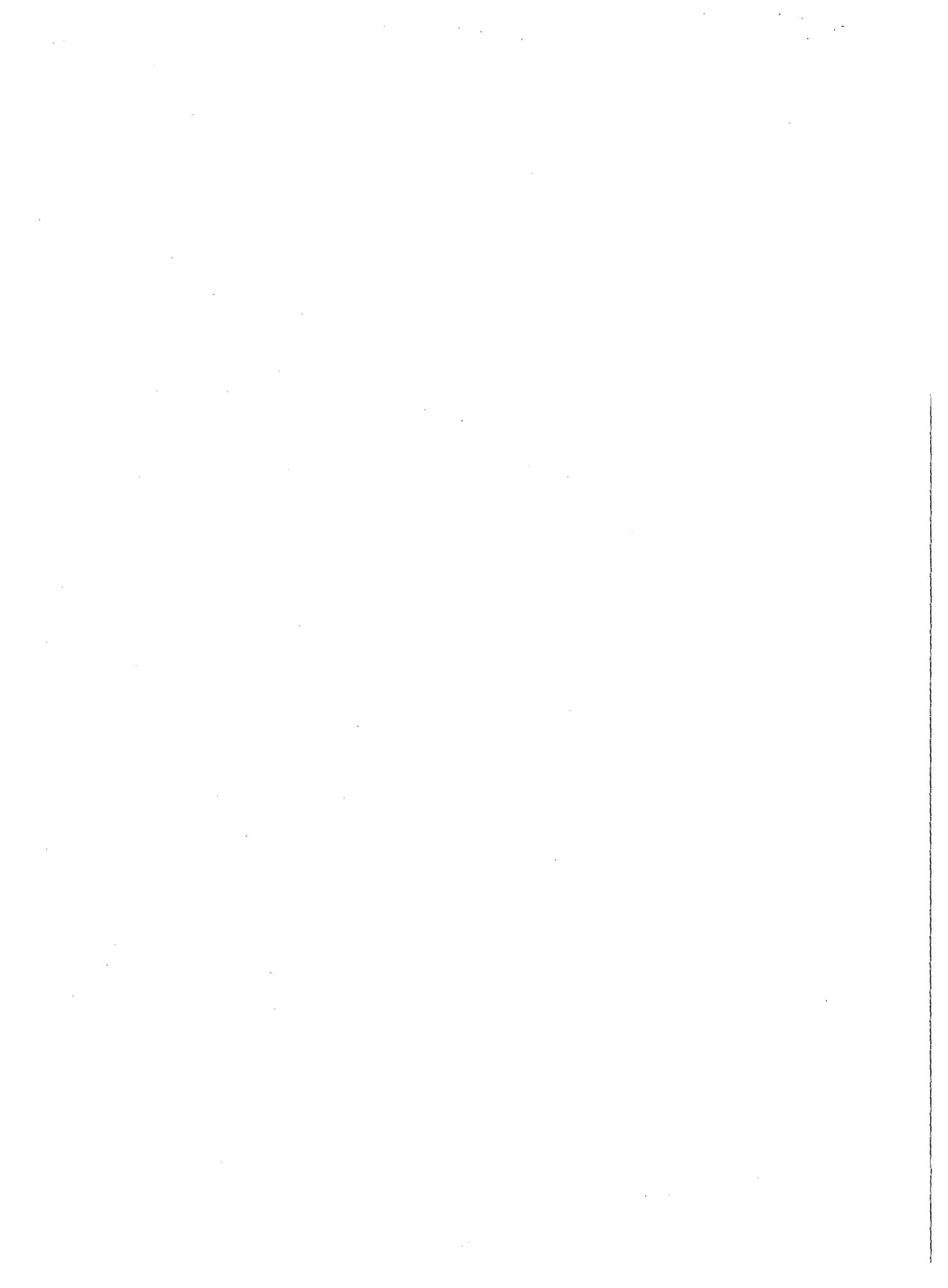
Article 16. Whoever shall be arrested while making or assisting in the exportation of the natural products aforesaid without the proper authority and without paying the duties established, shall be punished according to the provisions of Article 2 of the present decree; but if it should be found out that he has already made *the* exportation then he shall have to pay a double fine or to undergo double time in prison at hard labor, whatever the nature and quantity of the exported articles may be.

Given at the National Palace at San Jose on April 28, 1869.

JESUS JIMENEZ.
JUAN RAFAEL MATA, *Secretary of the
Treasury.*

ANNEX 7

**Instructions carried by the special Minister appointed to the
Government of Nicaragua, Mr. Francisco María Oreamuno's
Diplomatic Mission to Nicaragua, 1838**



**Mr. Francisco María Oreamuno's Diplomatic Mission
to Nicaragua in 1838¹**

**Instructions carried by the special Minister appointed to the
Government of Nicaragua.**

1st Celebrating an express and mutual recognition of both States' independence, sovereignty and liberty, perpetually delimiting their territory dividing line and providing for the mutual exchange of defendants and Treasury debtors, regardless of their nature and residence, who are claimed by the competent authority.

2nd Celebrating, as a result, the closest friendship between Nicaragua and Costa Rica and pledging mutual defense of their reciprocal independence, sovereignty, and liberty, specifying the relief supplies to be provided by sea and land, in the case of being invaded by foreigners or by any other States of the Republic, or by any person trying to depress such rights by force and under nationality denomination or character.

3rd Establishing the obligation of actively cooperating in the creation of your general government, preserving and sustaining it, contributing to its expenses with a proportional allotment, and recognizing the national debt and also contributing to its amortization in a proportional manner.

4th Establishing principles to help each other when legitimate respective authorities are disowned or attacked by internal factions.

5th Requesting the cooperation of the Government of Nicaragua for the diocesan chapter to authorize a capitular vicar in the spiritual jurisdiction of Costa Rica, with the same powers possessed by the Nicaraguan vicar and reporting only to said chapter; and for the chapter to give its express consent concerning the diocese division, specifying the involvement this Government should have in appointing clergymen and capitulars while the bishopry for Costa Rica is provided.

6th Establishing both States' reciprocal obligation of fixing the main road leading from one to the other to their respective borders, without levying traffic on it.

¹ National Archives, S. A. Series I, N° 5708, F. 42 v.

7th Since a tobacco contract was entered into by that Government and this one in the year 1823, according to which the former still owes a certain amount, he will previously settle the account and through the corresponding installments will collect the remainder.

8th He will similarly claim the indigenous community funds belonging to this State and existing in times of the Spanish Government at the Nicaraguan Government's general treasury.

9th He will also claim the rural farm and urban sales taxes, which, located in this State and sold by neighbors and residents of that one, have been paid there.

10th He will additionally ask for payment of obligations the late Pedro Muñoz and his creditors assumed in the State of Nicaragua upon Nicoya district tithe auction sales, in the three-year period elapsed after its annexation to Costa Rica.

11th Similarly, he will ask for the armament which former Chief Cerda took away in the year 27 from the Costa Rican division that was returning from the national army, along with gear it was bringing, or otherwise he will determine an indemnity payment.

12th After these debts have been acknowledged, the Minister may grant terms for repayment of the amount owed to this State by the Nicaraguan State on account of the tobacco contract entered into in the year 23, the indigenous communities, and the indemnity for the armament taken away in Managua.

13th He will also be able to compromise and conform in reference to the late Pedro Muñoz's debt, resulting from Nicoya district tithe auction sales, referred to in the tenth paragraph of these instructions, and by the sales taxes paid so far, as mentioned in the ninth instruction.

14th He will ask for new instructions on any new incidents or propositions on matters not covered in the preceding articles, providing extensive information on related issues.

15th Concerning the treaties he enters into, the Minister will not leave until he receives their ratification or reforms for him to stipulate them, unless an unforeseen and very dangerous event forces him to leave before completing his mission, in which case he will render account through an express dispatch: and if unfortunately he should become sick and seriously ill, he will pass on these

instructions and the files documenting them to the secretary, who shall keep them while expecting orders before returning.

16th In all businesses concerning the mission, the secretary will authorize communications with the Government of Nicaragua and with this one. He will also authorize the treaties, pacts, or agreements entered into.

17th He will set down Costa Rica's freedom to navigate on the San Juan River and its freedom from export duties on its fruits leaving through the same river, since its territory contains the Sarapiquí River, the water of which increases the San Juan River flow. If necessary, this covenant shall include the prohibition of introducing foreign goods or merchandise to Costa Rica through the same waterway, in case entered goods could not be registered to pay duties at this State customs; and a fifth, fourth, or third of the annual liquid returns in favor of Nicaragua may be agreed upon, providing exports are done freely.

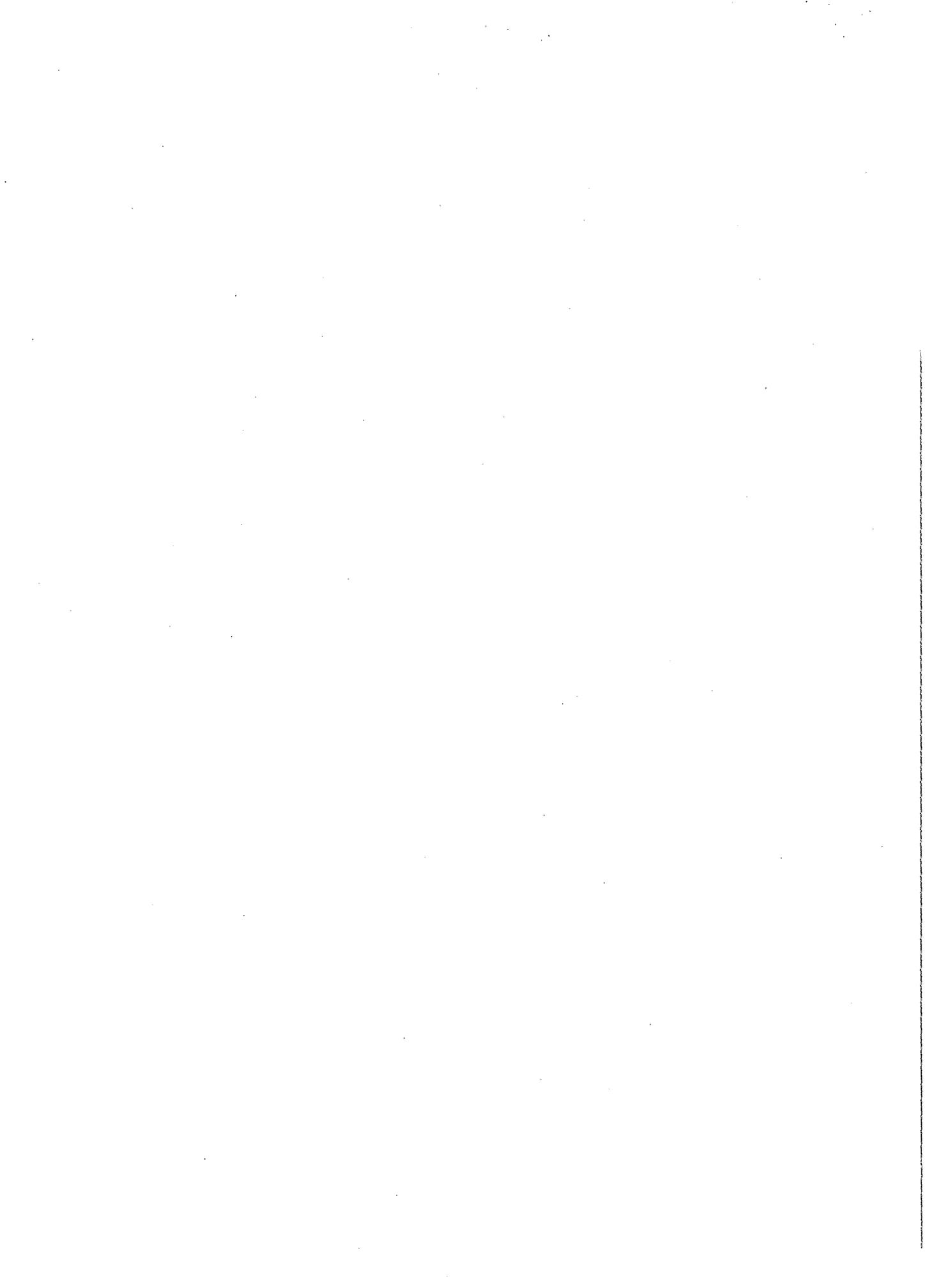
Given in the city of San José, on the twenty sixth day of the month of July, eighteen hundred and thirty eight.

(Signature of Mr. Braulio Carrillo, Chief of State)

ANNEX 8

“Protocol of the conference of 10 January 1854.”

Published in Esgueva, Antonio. *The Borders of Nicaragua and Costa Rica in the historical documents*. Managua: IHNCA-UCA, 2007. pp. 336-337, Document No. 132a



Protocol of Conferences between the Plenipotentiaries of Costa Rica and Nicaragua

In the city of San Jose, on the tenth day of January of one thousand eight hundred fifty-four, a meeting was held by the Plenipotentiaries of the Republics of Costa Rica and Nicaragua: the first between the Ministers of Foreign Affairs and Treasury, Messrs. Don Joaquín Bernardo Calvo and Don Manuel Jose Carazo; and the second between Don Dionisio Chamorro, with the important objective of dealing with matters of great interest for both Republics, who, having communicated to one another their respective powers and reciprocally finding them in good and due order, and consequently, the Plenipotentiary Minister of Nicaragua stated as follows:

That his Government, being desirous of removing the powerful reason that unfortunately exists at the present time, which could alter peace and good relations existing between the Republics of Nicaragua and Costa Rica, has deemed it convenient to resolve or settle the issue of territorial limits pending between the two countries as follows:

The Government of Nicaragua cedes to that of Costa Rica what was called "District of Nicoya", and now, Province of Guanacaste, giving up from this date and forever the rights it has or believes it has to said Party or Province; it being understood that the dividing line between that Province and the Department of Rivas, or better yet, between Costa Rica and Nicaragua, is a straight line drawn as follows: commencing from the most salient point of the Promontory called "Descartes", continuing along the south shore of said point in an easterly direction, after separating from the sea, along the shortest line up to the "Refugio" river, at a distance of two leagues from its mouth in the Lake of Nicaragua; and from there, following a line parallel to the shore of the Lake until it reaches the "Frio" river, from where it rises six leagues up to the river course: from this point, changing direction, it will follow a line parallel to the "San Juan" river (to the extent allowed by the winding of the watercourse) until it reaches the Atlantic Coast. Further, the Government of Nicaragua cedes to that of Costa Rica the full use and dominion of the waters of the "Sarapiquí" and an area of land of two square leagues at the port of Sarapiquí, if it is comprised in the demarcated line; also granting, either in the Treaty of Limits, or in the Treaty of Friendship and Trade, free navigation in the river and port of "San Juan" for the traffic of imports and exports by the citizens of Costa Rica. However, those who reside in said port shall be subject to the regulations that are established therein with respect to the citizens of Nicaragua. The Government of Nicaragua requests from the

Government of Costa Rica as compensation for the aforesaid concessions to assume the payment of the amount that corresponds to it in the federal debt and also to pay to Nicaragua the sum of two hundred thousand pesos, in accordance with the terms agreed.

The Plenipotentiaries of Costa Rica, after several conferences defending the rights of their country, unanimously agreed that the proposal of the Plenipotentiary Minister of Nicaragua imposed very onerous conditions on Costa Rica, which made them fear that if these were not modified, it would not be possible to achieve the settlement of limits that both parties desired; however, as they must request new instructions from the Honorable National Government, they deemed it convenient to suspend the conferences and continue them opportunely and signed. **Joaquín Bernardo Calvo – Manuel J. Carazo – Dionisio Chamorro**

ANNEX 9

“Protocol of the conference of 9 February 1854.”

Published in Esgueva, Antonio. The Borders of Nicaragua and Costa Rica in the historical documents. Managua: IHNCA-UCA, 2007. pp. 340-341, Document No. 132e



February 9, 1854

In the City of San Jose, on the ninth day of February of eighteen fifty-four, the Plenipotentiary Ministers of Costa Rica and Nicaragua met to continue the conferences that were left pending on the past seventh. The Plenipotentiary Ministers of Costa Rica stated: That having examined the last proposal of the Plenipotentiary of Nicaragua with the serenity and maturity that its importance demands, they consider themselves in the need to state: that although they had desired to put a satisfactory end to the question of territorial limits between both countries in testimony of the sympathies that animate this Republic in favor of the that of Nicaragua, they feel that it does not conform at all with the demands comprised in the aforesaid proposition as it extends undeniable documents that fully justify the right that Costa Rica possesses in the Province of Guanacaste, and the incontrovertible reason with which it defends the western limits of its territory, it is not within the will of the Government to consent to a notable dismembering of what in fact and by right belongs to the Republic, nor does it believe it has the duty to agree to any compensation for the part of the territory that it would desire to give up, as this would be a double national sacrifice, simultaneously ceding the rights of Costa Rica and encumbering the public treasury, without any plausible reason, with a huge debt that would not be unburdened for many years, and that could precipitate it into an abyss; notwithstanding this, Costa Rica would agree to recognize as the western limit of its territory the mouth of the "Colorado" river on the Atlantic, continuing along the bank of said river up to that of the "San Juan", continuing along this up to the shore of the Lake and then continuing in a straight line from said shore to the "Flor" river up to its mouth on the Pacific; it being well understood that the waters of the river and port of "San Juan" and the waters of the Lake would be free at all times for the traffic of imports and exports of Costa Rica; in which case it would declare the debt owed by the Treasury of Nicaragua to the Treasury of Costa Rica as paid, thereby settling and concluding this transaction; but if the Plenipotentiary of Nicaragua regretfully refuses to accede to this definitive and final proposition on the part of Costa Rica, the question could be subject to arbitration under the terms proposed in the minutes of 16 January, or the resolution would be postponed for another time, notwithstanding the signing of a treaty of Peace, Friendship and Trade that expressly stipulates that at no time shall said question of limits be settled and concluded through the use of violence or force, as that would be extremely harmful and ruinous for both countries, and is also loathed by the civilization of this century. And the Plenipotentiary of Nicaragua stated: that he is highly sensitive to the reply that the Plenipotentiaries

of Costa Rica give to his last proposition made in the foregoing minutes, because it dispels all hope of achieving an amicable and fraternal settlement that his Government and he desire; that notwithstanding this, he does not end his mission for the time being, but rather until the next conference, in which he will give a reasoned reply to the proposition of the Ministers of Costa Rica; and that he hopes that the days that elapse between this discussion and the next will be used by both parties to ponder and weigh, in the most detailed manner, the advantages that the aforesaid agreement would bring to both parties, and the fatal consequences that would result if the opportune occasion now presented by the Government of Nicaragua is not used to reach a satisfactory and mutually advantageous agreement. — **Joaquín Bernardo Calvo — Manuel J. Carazo — Dionisio Chamorro.**

ANNEX 10

**“Memorandum from Costa Rica, dated 13 February 1854,
mentioned in the protocol of the conference of 17 February.”**

***Published in Esgueva, Antonio. The Borders of Nicaragua and
Costa Rica in the historical documents. Managua: IHNCA-UCA,
2007. 344***



Document No. 134

Memorandum from Costa Rica, dated 13 February 1854, mentioned in the protocol of the conference of 17 February.

“The Plenipotentiaries from Costa Rica propose as the last term on the matter of territorial limits with the Republic of Nicaragua: that this [state] recognize as the limits to the territory of Costa Rica the Point of Descartes on the Pacific, and continuing on the meridian beach of said point, follow a straight line as it separates from the ocean towards the delta of the “Refugio” river in the Lake of Nicaragua, and taking the bank from this to the “San Juan” river: from there the southern margin of the said river up to the “Colorado” and taking the bank from this one up to its mouth in the Atlantic. The waters of the river and Port of San Juan would be free for the traffic of imports and exports from Costa Rica, without the trade at any time being burdened with any kind of taxes. *Costa Rica renounced for always the free navigation of the Great Lake; and by way of free transfer offers to assist the Treasury of Nicaragua with one hundred thousand strong pesos payable in ten parts in ten years, including in this quantity those that that Treasury owes to that of Costa Rica, previous liquidation. Costa Rica renounces all right to Castillo with a one league radius over the territory in which it is.*”

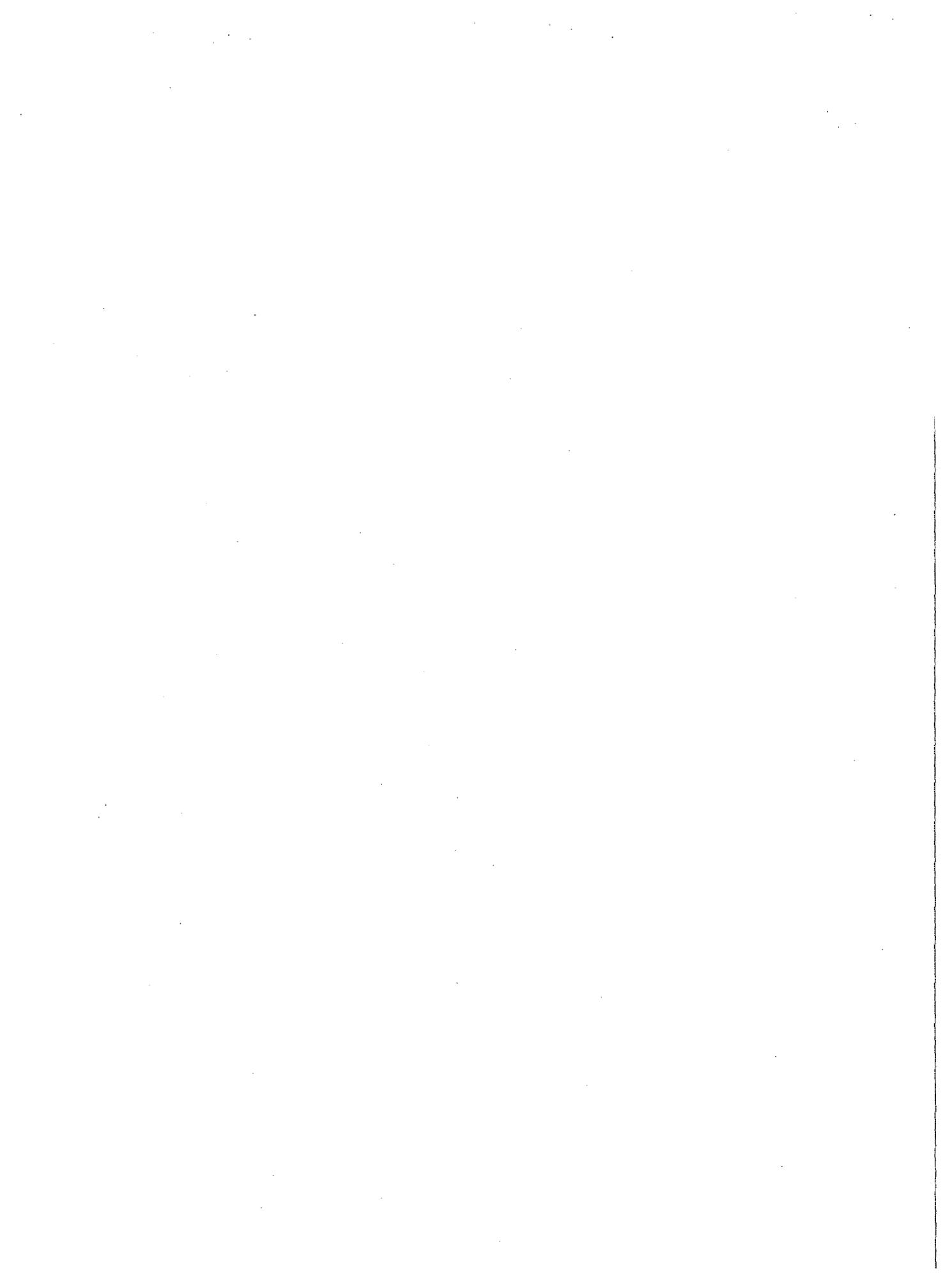
RAGHN, Vol XI, No. 2, January-March 1952, 145-146.



ANNEX 11

**Message of the President of the Republic [of Costa Rica] to the
Congress of 6 September 1857**

***Source:* Gaceta del Salvador, Cojutepeque, 7 October 1857**



(-1-)

GACETA OF EL SALVADOR

YEAR: 1857

COJUTEPEQUE; WEDNESDAY, OCTOBER 7

(...)

[COPIES]

(...)

Message of the President of the Republic to the Congress of 1857. Honorable Representatives.

When, on August 3 of last year, I offered for your consideration the chart that represented the Republic, I provided for you in this very place a summary of the events that had occurred up to that time, my heart quivering and moved by the uncertainty of the future that awaited the Republic. However, never did I doubt the patriotism and enthusiastic support of the National Representation, nor did I question the effective cooperation of the heroic Costa Ricans in bringing a glorious end to the bloody struggle initiated in defense of our most cherished rights.

(-2-)

Great and infinite were the difficulties of all types that faced the Government, but all having been surpassed by a firm and decided will, I raised the voice of alarm yet again and was answered unanimously by all peoples. I ordered a column of brave men to march to the world of a general of known experience, to fight the enemy on the field of honor, as demonstrated gallantly in the area of Rivas. Convinced that our efforts and those of our allies would be made in vain unless we attacked the filibusterer at the source of his great resources and troops—that is, unless we stripped him of the forts and steamers with which he dominated the San Juan River and Lake Nicaragua, by means of which his men, arms and supplies would arrive every fifteen days on a scale much greater than ours and even greater than that of all Central America—I ordered the risky maneuver of surprising the enemy at these points.

The probabilities for the success of this daring expedition were more than doubtful due to the magnitude of the obstacles that our courageous army was forced to fight. In spite of all this, and in spite of the most foul weather, they took

to the fight with bravery, through thick forests, over broad mountains and across scandalous rivers.

God protected our objectives and our efforts, and within very few days the national flag fluttered over the forts on the river, at Punta de Castilla and on the beautiful Lake Nicaragua.

This mortal blow to the bandit and his followers was the precursor to new triumphs: the allied armies recovered their energy; our vanguard column, which had evaded the force of the enemies of our independence, returned to active maneuvers; and working all in concert under the orders of the general-in-chief appointed by the governments, we ended the campaign on May 1 of this year, 1857, a memorable day for Central America, a day of glory for the Latin race that has known how to defend its religion and its homeland and to teach a fine lesson to the savage horde that intended to subject us to the most oppressive slavery.

Victory cost us many precious victims, but these victims have given life to the Central American continent and perhaps to all of Spanish America. The blood of our brave men on the battlefields will forever remain the fruitful seed of immense good for the homeland!

I will not detail the difficulties with which, as mentioned above, the Government struggled in the conflict in which the Republic became embroiled by undertaking again this war that has concluded. With the objective met, those who in timidity or malice used all types of invectives to weaken the providence of salvation will be disillusioned to see that the people of Costa Rica know their true rights and set their sights on those who mean them harm in any way. The Government feels the satisfaction of having passed over all of these inconveniences, advancing its arduous undertaking with valor, strength and perseverance.

However, despite the Republic's efforts to cast the bandit and his infamous crowd from Central American soil, the fight is not over. No, a second and more terrible clash threatens us, and we must remain for a long time under alarm so as never to be caught unaware. With this intent, the Government has ordered the army to form once again, with eight thousand men whose military instruction is not to be neglected for even an instant. In addition to the military supplies and elements that continue to be obtained, orders have been placed for everything necessary to create the most complete military materiel possible given our resources and circumstances. With disciplined and well-equipped soldiers,

the army may succumb, but it will succumb with glory and honor after having made the enemy pay dearly for its victory.

I must express here, with the most sincere warmth of my understanding, the relevant merits of the generals who, with such selflessness —sacrificing their own welfare, interests and that which is most dear in life— surrounded the Government to save the country from the ruin that threatened it. Yes, they are the ones who, from the start of the campaign, have contributed powerfully to the best and most felicitous success of the operations on the San Juan, on the lake and in the territory of Nicaragua. They are the ones who have suffered a thousand privations and the risks of war and of plague, and they are also the ones who went first into combat, assuming the honorable and delicate assignment of the governments to direct the movements of the allied army until the conclusion of the war, and being the first to initiate the war this year and the last to return to their homes, after eighteen months of absence in active service to the Nation.

Also weighing in my thoughts are the commanders, officers and soldiers of the army, who bravely and heroically complied with the duty entrusted to them. I recommend to you, as is just, those who have served the Republic. And I call your high attention toward the unfortunate mutilated and disabled, toward the widows and children of those who gave their lives in defense of the homeland.

It costs the Nation great quantities of money to maintain and transport the filibusterers who surrendered in Rivas and those who deserted in flocks from the ranks of their audacious leader. But I believe that such spending is not of waste, if we consider that it demonstrates our humanitarian conduct on all occasions, proving that we are not the barbarians we were depicted to be. On the contrary, from their incursion into the neighboring Republic, our enemies have shown the entire world that savagery is inherent to them, and that true civilization is unknown to them. These men have respected nothing in satisfying their imprudent ambitions. They have bloodied the scaffolds with innocent Central American victims, brought valuable riches to ruin in despoiled Nicaragua, burned beautiful cities, sacked temples and committed a thousand other excesses against morality. In sum, they have tread upon the rights of individuals and violated all laws human and divine. Who, then, will justly be called the barbarians?

The facts will respond. History will respond.

The Government has had the awareness, after eighteen months of campaign in which immense sums have been invested, to tax the inhabitants of the Republic as little as possible, for national incomes have been of powerful assistance for the resulting expenditures.

Satisfactory and very plausible it is that, in spite of the battering of the war and the plague that affected the Nation, it has not retreated in its march toward progress. In the midst of the focus on the campaign, coffee —this precious fruit that provides the larger part of the country's wealth— was harvested and taken to the port of embarkation, even though this year's harvest was among the largest seen since 1848.

There has been no lack of fruits to feed the people, and the crops sowed for the upcoming harvest are so abundant that they exceed those planted in normal times.

The general and local roads of the towns have been and are being repaired to the extent possible, ensuring the comfort of inhabitants and ease of transport for commercial transactions.

One of the most important objectives of which the Government has not lost sight is the teaching of our youth. It is true that we have not reached the level of perfection to be desired. However, the adoption of new methods for schools and the continuous dedication of the authorities, with support from parents, will in the future provide new and seasoned results from the teaching in all of the sciences.

Finally, the Republic is not moving backward; it continues on the path to prosperity, conserving within it the peace and domestic order that it contentedly enjoys. Without doubt, its name will be raised among those of other nations, and it will achieve great results in its intellectual capacities and in its physical and moral character.

(-3-)

Fortunately, and in a manner complementary to the tranquility in which the country rests, the harmony and friendly relations with foreign countries will remain inalterable. The Republic is held in esteem by the maritime powers and secondary powers of Europe.

The gentleman D José de Zambrano y Viana, the chargé d'affaires of Spain, was recently here. After mutual and respectful demonstrations of friendship, he traveled to Guatemala, where he is currently found.

The Government of the United States recently afforded us proof of its friendship and of its hope for the good of Costa Rica. Zealous of our national

honor and dignity, our chargé d'affaires in Washington remains vigilant in order to dispel the impressions that any sinister report by our adversaries may produce within said cabinet. It is very satisfactory that, to date, even the slightest disagreement has not occurred between the two countries, or the smallest difference of opinion between their governments.

From the Hispano-American Republics of the South, we have received unequivocal demonstrations of confraternity. Those we commissioned to request a loan and to cultivate and reinforce the bonds of friendship were received in Peru and in Chile with the courtesy and consideration that is customary in civilized countries. We have received similar important communications from Brazil, Nueva Granada, Bolivia, Venezuela, Ecuador and Paraguay.

When Mr. Don Pedro Galvez, a representative of Peru, and Mr. D. Francisco Solano Astaburuaga, from Chile, arrived in this Republic, their public nature was recognized and they were treated with the respect and consideration necessary under diplomatic circumstances and as required by the harmony between friendly and brotherly countries linked by several titles.

At the proper time, you will be informed about the pacts celebrated between the Government and these Representatives.

No deed has occurred to alter the harmony, alliance and good comprehension established with the governments of Central America. On the contrary, having renewed the family ties that have united us since distant times in order to fight and cast out a common enemy from the territory of the continent, these governments work in accordance with that of Costa Rica on the important task of consolidating Hispano-American independence, ensuring that the sad and bloody scenarios that we have seen are not repeated within any of the States, whether brought by foreign adventurers who seek to usurp our nationality, or caused by the partisan spirit that has resulted in so much misfortune for the peoples of all lands and during all eras.

A special commissioner close to the Provisional Government of Nicaragua was also received with demonstrations of benevolence. Unfortunately, however, some of the affairs to which he attended did not reach the happy ending to be expected from a sister Republic, a friend and neighbor with which Costa Rica has always sought the best and most open relations due to the mutual interests that bind them and especially the common defense to which they are called. With all of this, the Government does not doubt that when a Constitutional Leader appears in said Republic and its Administration is normalized, affairs will be assessed with due calm, the justice with which Costa Rica claims certain rights

that belong to it will be acknowledged, and, in recognition of the convenience not only for Nicaragua but also for all of Central America, a public treaty will be established on the bases assumed here to be founded in said rights.

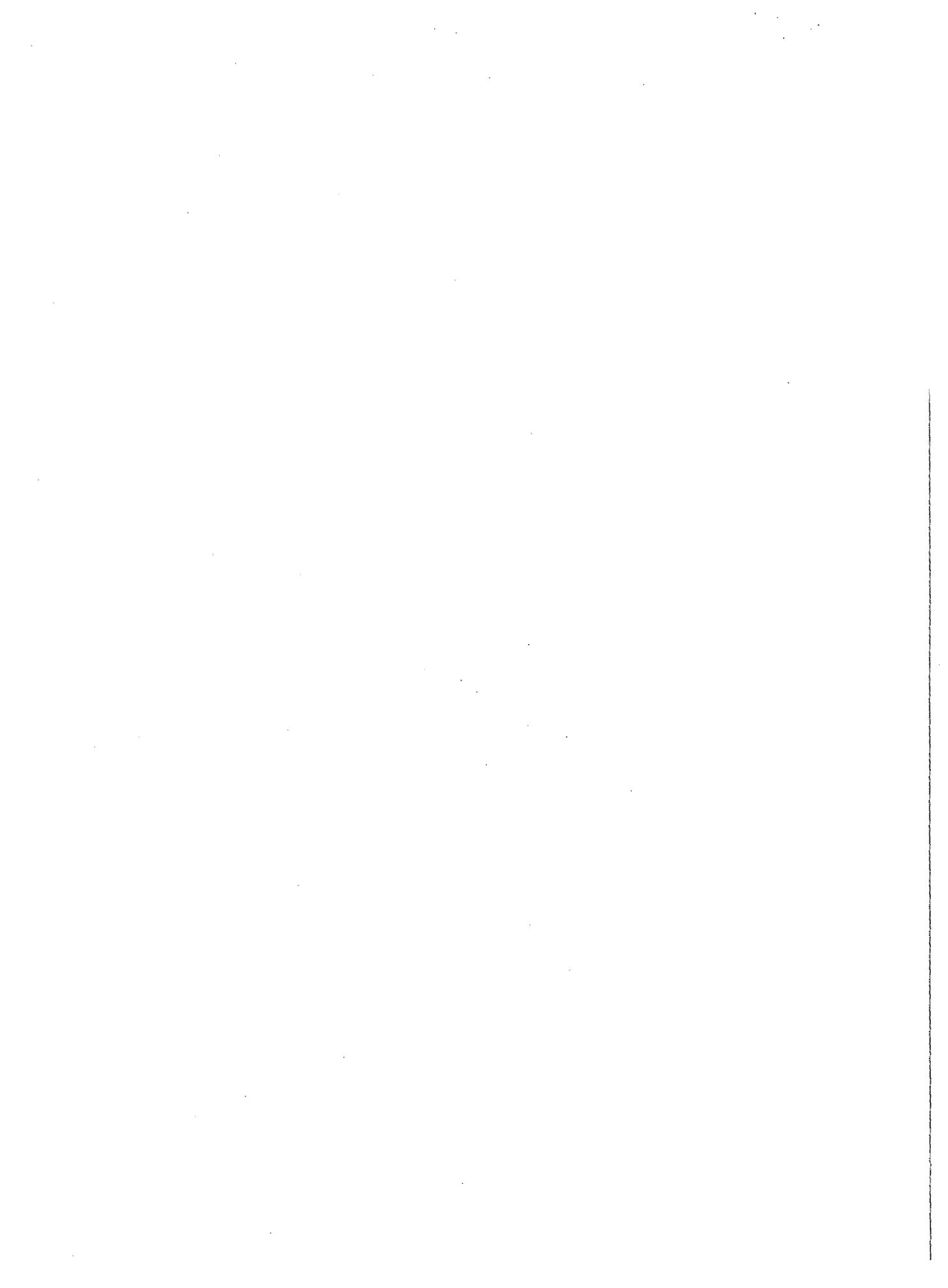
JUAN RAFAEL MORA

San José; September 6, 1857

ANNEX 12

Note from William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States, 2 November 1857

Source: Manning, William R., ed. *Diplomatic Correspondence of the United States, Inter-American Affairs: 1831-1860*. Washington: Carnegie Endowment for International Peace, 1934. Document No. 1406, pp. 621-625.



(-621-)

(...)

1406

*William Carey Jones, Special Agent of the United States to Central America, to Lewis Cass, Secretary of State of the United States*¹

[EXTRACT]

VIRGIN BAY, *November 2, 1857.*

SIR: I have arrived here this morning from Managua expecting to have reached here several days sooner prevented from circumstances—absolutely beyond my control, having been left thru several nights by the treachery of the persons appointed to conduct me virtually a prisoner upon the Beach of Lake Nicaragua. As it is possible that the Steamer for Panama may pass San Juan del Sur to day, in anticipation of her time I think it more prudent to send you this brief note by express, in place of a more detailed Statement. If I can possibly reach San Juan del Sur previous to the arrival of the Steamer, I shall write you more fully. You will understand however

¹ Special Agents, vol. 20. Received December 1

(-622-)

pretty nearly from the correspondence that has taken place between this Government and myself in which copies are herewith sent [...] what the

(...)

(-623-)

state of affairs is here. The news of the Blockade of the head of the San Juan River & the seige of the fort of San Carlos by means of the Steam-

(...)

(-624-)

ers in possession of the Government of Costa Rica reached Managua about sixteen days ago. My relations with the Government of this Republic were such as to induce the Functionaire of it to make a common request of me to undertake the passage of the Blockade in my official capacity. From the nature of my instructions and especially of the letter of 30th July¹ in which I was so particullay informed of the views of the department, I considered the objects to be attained

and the information that I could therefore forward by the making passage of the San Juan River and observing for myself, I thought that to be the most immediate of my duties. I therefore assented to the solicitation of the Government of Nicaragua; and propose still to return from San [Juan] del Sur & if I shall be furnished with a sufficient Boat & crew to go down the River to San Juan del Norte & communicate with the Captain of the Saratoga & report to the department by the first British Steamer, I am further induced to this enterprise thinking that the department has corresponded with me through the Commercial agent there. And as it is a long time since I have received any direct communication from the department and one which I did receive was in duplicate and I may therefore suppose that the original was sent by some other route.² . . .

You will perceive by the copies of papers which have been furnished to me by the Government of Nicaragua that as early as June last the Government of Costa Rica refused to deliver the fortress of "Castilla Viejo" and refused also to confirm a Treaty of limits with Nicaragua which gives to Costa Rica the free passage of the River San Juan for her importations & exportations quite as much as according to my instructions agrees with the views of the department. I have therefore not hesitated to make known to the authorities of this State and by such means as have been in my power to the Government of Costa Rica & to the authorities of the other. States of Central America that it was the opinion of the United States that the Jurisdiction of the entire Transit route ought to be *sole* & not divided and that that Jurisdiction ought to remain with the State (namely Nicaragua) to which it had previously belonged; and that Costa Rica was precluded by her p[re]vious declarations from converting the war which was concluded through the intervention of Captain Davis of the Sloop St. Mary by the capitulation at

(...)

¹ Above, this volume, pt. 1, doc. 1081.

² The omitted portion states his views on the establishment of a government by constitutional election

(-625-)

Rivas on the first of May – into a War of Conquest; and that the question of boundary ought to be restored to the condition in which it was before that War and at all events the Jurisdiction & non interruption of the transit. I fully explained these views to Gen^l Hosi [José] Callas at Granada on the night of the second October when he was on his immediate return to Costa Rica with the view that through him the Government of Costa Rica should be informed of the facts. In former letters I expressed the decided opinion [*sic*] that the sudden return to Gen^l Carias to this State had connexion with my coming to it, I am now quite certain of the fact, and am nearly certain non demonstration will admit of that the two weeks detention which I suffered at Punta Arenas were caused by secret influence and would have continued if such an opportunity as

the Steamer Columbus had not offered. Nothing here is intended to reflect on the personal character of Gen^{nl} Cañas.

A second object of the visit of that General and Diplomat has developed itself in the present operations of War. He purchased while here large supplies of Provisions & secretly provisioned Castilla [Castillo] Viejo as a *point d'appui* for the war then contemplated for the possession of the Transit. The old war was for the same object. The department may be assured that Costa Rica intends by all means in its power to control the River San Juan and not permit the opening of the Transit except by a monopoly which will be in a large degree personal; And that no "good Officers [*sic*] or" friendly intention will operate against the cupidity and revenfull animosity to which the Chifis [*sic*] of that State are stimulated.

If it should so happen that by this conveyance I shall not be able to communicate with my Family I request that Mr. Appleton will make known to them that I am here and well & the intention that I have of proceeding directly to San Juan del Norte: - in short, the whole contents of this letter.

I have [etc.].

(...)



ANNEX 13

Note from William Carey Jones, Special Agent of the United States to Central American, to Lewis Cass, Secretary of State of the United States, 30 January 1858

Source: Manning William R., ed. *Diplomatic Correspondence of the United States, Inter-American Affairs: 1831-1860.*
Washington: Carnegie Endowment for International Peace, 1934.
Document No. 1420, pp. 647-657.

(...)

(-647-)

1420

*William Carey Jones, Special Agent of the United States to Central America, to
Lewis Cass, Secretary of State of the United States*¹

[EXTRACTS]

REALEJO, NICARAGUA, *January 30, 1858.*

SIR: When I had the honor to address you from this place on the 1st inst.², I had come hither with the intention to embark on the steamer then expected, bound for Panama. Delays which I could not anticipate, but, as they came, could not prevent, kept me too late an hour to embark, & it was by means of a special courier that I was enabled to communicate with you. I returned, therefore, to Leon. The Minister of Foreign Relations (Don Gregorio Juarez) was there. He informed me that he and another had been appointed special commissioners to meet the commissioners of Costa Rica (Messrs. Callas and Cuadra) at Managua, to determine if possible, the disputed points between the two States. I thought the occasion opportune to a main object of my mission—observation—and went also to Managua. In the meantime, the Commissioners of Costa Rica had retired in a sort of disgust; and, as far as the proposed negotiation was concerned, the journey both of the Costa Rican Commission and myself, was fruitless. The agreement made at Rivas, in December, between the President-General Martinez and the Commissioners from Costa Rica, and which the former gentleman announced to me (in a letter communicated to the Department with my last) as a "definitive arrangement," is understood to have been concurred in by the govt of Costa Rica, but has been absolutely rejected by the "Constituent Assembly" of this State, now in session. It was on the passage of a decree to that effect that the Comrs of Costa Rica departed, without waiting even the arrival of the persons appointed to meet them for new negotiations. Nicaragua is in a better situation than before the treaty, though not perhaps in consequence of it. She holds again the "Castillo Viejo;" but not by delivery from Costa Rica. It was taken from Costa Rica by the party of "adventurers" under Anderson; and on their abandonment of it (on hearing of the capture of their leader and confederates at San Juan del Norte)

¹ Special Agents, vol. 20. Receipt date is not indicated.

² Above, this part, doc. 1415.

³ Apparently that of January 1, 1858, above, this part, doc. 1415. The letter to him from the President is not included in this publication. See his reply to it, of December 10, 1857, above, this part, doc. 1411, and note 2, p. 635.

General Jerez, then at San Carlos, with a considerable force, had only to enter. The recovery of this important point, and consequent control of the river, having already fallen to Nicaragua, and a main object of the agreement at Rivas thus accomplished, no doubt influenced the Assembly in rejecting the treaty as a whole. They have since, however, modified their decree, at the instance I believe of Minister Juarez, and propose to renew negotiations at San Jose (C. R.) whither it is proposed soon to send a person to treat. I give it as my opinion that the questions between these States will not and cannot be settled by a treaty voluntarily & mutually made. There is not that disposition in the sentiments of the States toward each other; & if there were I do not perceive any basis for a compromise, unless Costa Rica should consent to abandon the object of her ambition & cupidity for many years, & for which she lately decimated her population in an otherwise fruitless war. Outside pressure (that is, apprehension of invasion from abroad) may operate to prevent on her part any active attempt at this time to regain the control of the river; but she will not voluntarily abandon her pretensions to a share in the line of transit. The river and lake are therefore liable to be the scene of a predatory warfare at any moment that the two States are sufficiently relieved from their present apprehensions of mutual danger.

(...)

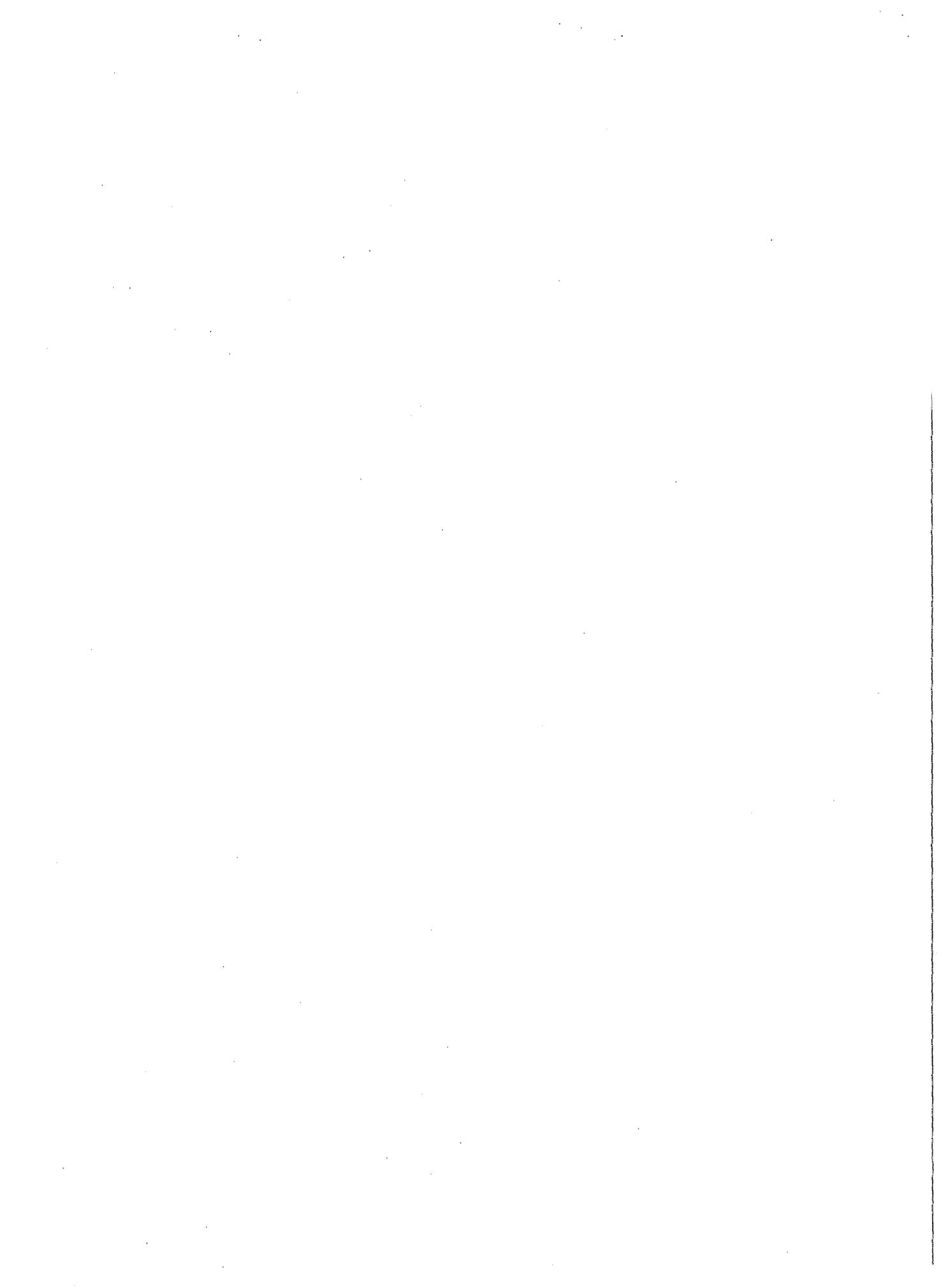
ANNEX 14

**Letter from Eduardo Montealegre R., Minister of Foreign Affairs
of Nicaragua, to Lorenzo Guerrero, Director of the Nicaraguan
Tourism Institute, 1 September 1999**

and

Email from

**Dr. Alfredo Ferreti Lugo, General Secretary of the Nicaraguan
Tourism Institute, to Caño Blanco Marina, 13 September 1999**





The Ministry of Foreign Affairs

1 September 1999
MRE/DM/3098/09/99

Architect
Lorenzo Guerrero
Director
Nicaraguan Tourism Institute
Hand delivered

Dear Mr. Director:

I have the pleasure of addressing you on the occasion of referring to the tourist information published by the Costa Rican company Caño Blanco Marina, in whose brochures appears a printed map that shows part of the territory of Nicaragua and part of the territory of Costa Rica. A great concern for this Ministry is the way in which the border between both countries is depicted since it shows that the same is formed, throughout its extension, by the San Juan River and part of Lake Nicaragua. Further, it identifies islands situated in Lake Nicaragua as part of Costa Rica's territory.

Since this is not an official publication of the Government of Costa Rica, it is not possible to send a note of protest. However, I believe that the Institution under your charge could contact the company Caño Blanco Marina and request that it immediately withdraw the same.

I take this opportunity to renew the assurances of my highest and most distinguished consideration.

(Signed)
Eduardo Montealegre R.

[Seal:] MINISTER OF FOREIGN AFFAIRS
Managua

REPUBLIC OF NICARAGUA
CENTRAL AMERICA

Nicaraguan Tourism Institute
Directorate of Legal Affairs
/s/ Illegible
Time: 3:45
/s/ Illegible

Nicaraguan Tourism Institute
OFFICE OF THE PRESIDENT
Date: Illegible Time: Illegible
Illegible
Received by:

ICS:l/p

(...)

Nicaraguan Tourism Institute

From: Nicaraguan Tourism Institute <intur@intur.gob.ni>

To: tucanti@sol.racsaco.cr

Re: Tourist information contained in Costa Rica Tortuguero National Park brochures

Date: Tuesday, 21 September 1999, 12:00 PM

Managua, 13 September 1999

Messrs.

CAÑO BLANCO MARINA

The Nicaraguan Tourism Institute (INTUR) finds totally unacceptable the tourist information contained in the COSTA RICA TORTUGUERO NATIONAL PARK brochures, which contain a printed map that shows part of the territory of Nicaragua and part of the territory of Costa Rica, wherein the border between Costa Rica and Nicaragua, throughout its extension, is depicted as formed by the San Juan River and part of Lake Nicaragua, and the islands situated thereon are also identified as part of Costa Rica's territory.

We demand that the brochure of reference be withdrawn immediately from circulation and we remind you that in the future you should obtain more information in this regard, as it is well known the San Juan River is the exclusive property of Nicaragua. Publications of this nature do not contribute at all to the

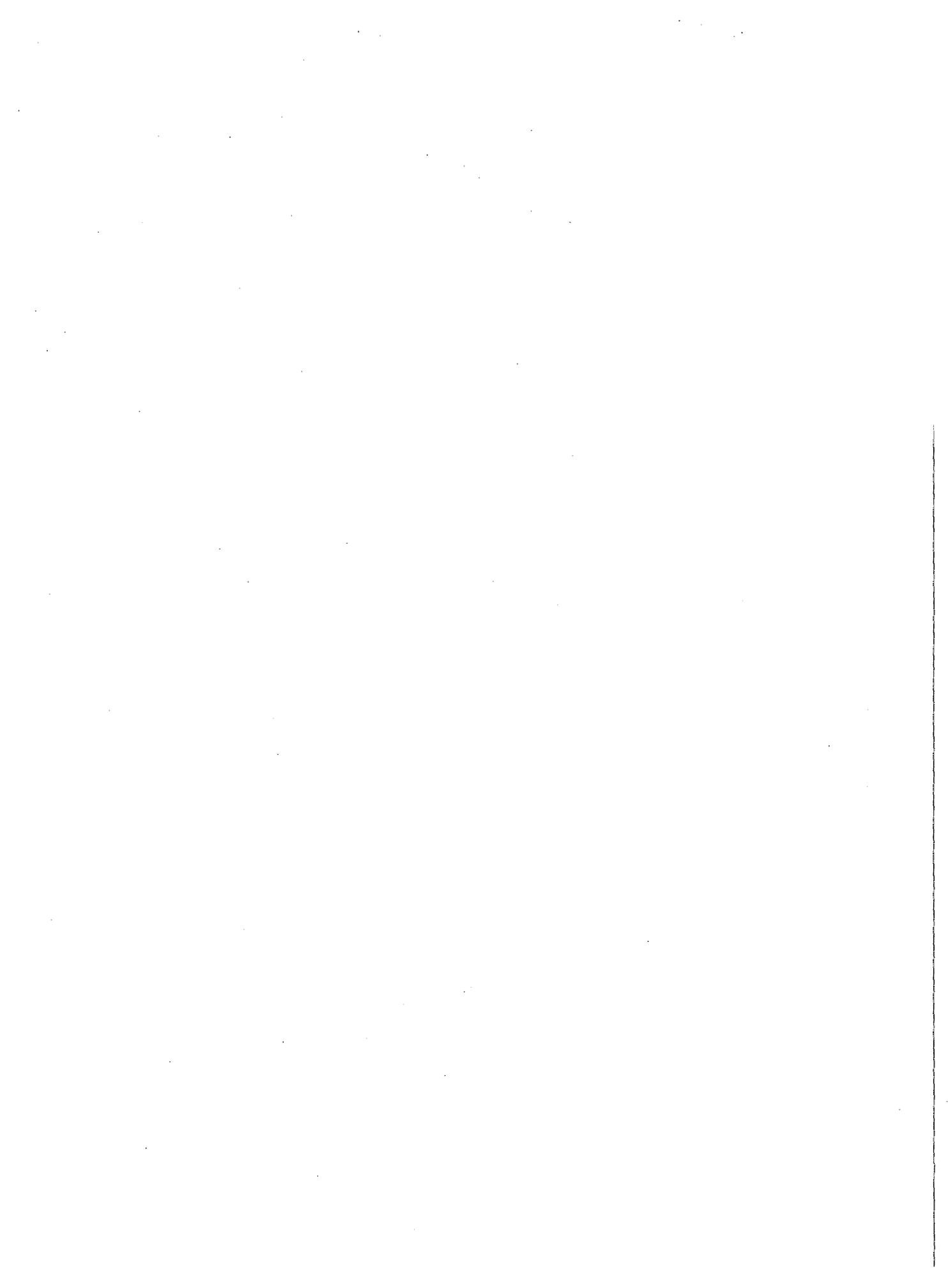
coordination required by a Central American tourism project in favor of the development of our country.

Having no other matters of reference, I sign.

Sincerely,

Dr. Alfredo Ferreti Lugo
General Secretary
INTUR

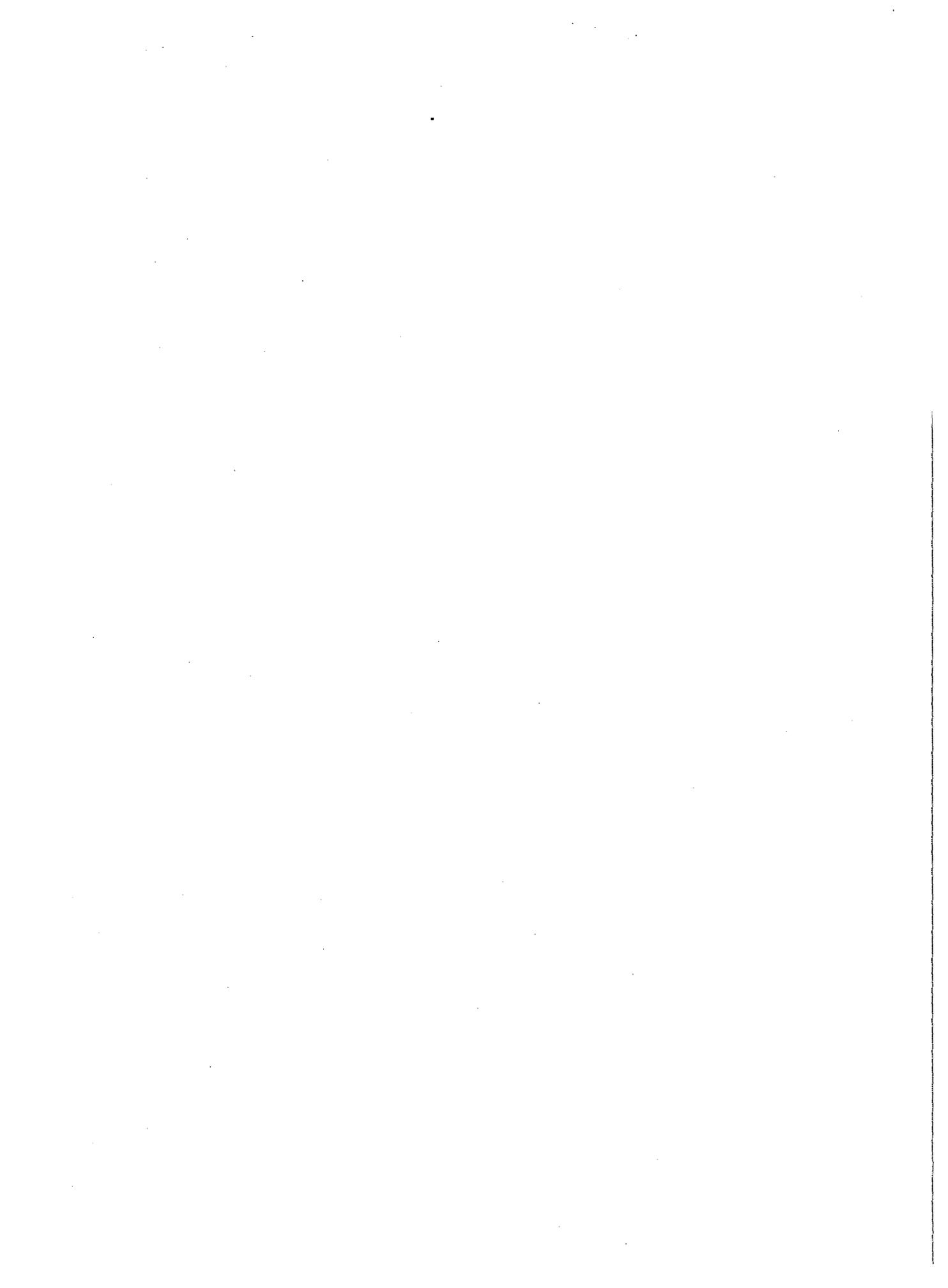
Cc: Ausberto Narváz Arguello – Acting President
Eduardo Montealegre – Minister of Foreign Affairs



ANNEX 15

“Costa Ricans Damage Flora in the San Juan River,”

***La Prensa* (Managua) 13 June 1991**



Costa Ricans damage flora in the San Juan River

By ZOILA DEL SOCORRO
Special report for LA PRENSA

SARAPIQUI, SAN JUAN RIVER. Costa Rican nationals are destroying the flora and fauna of the San Juan River, recently decreed a national reserve, according to reports by the inhabitants of the town of Sarapiquí, located at a short distance between the San Juan River and Costa Rica.

The people of Sarapiquí report that Costa Ricans dedicated to hunting every Saturday in Nicaraguan territory simply cross the river and bring hunting dogs with them to trap spotted pacas, deer, sahinós, pavones, "white faced" monkeys, macaws, parrots, gautuzas and other species in danger of extinction.

According to statements by some persons in Sarapiquí, whose names we omit for "security reasons", Costa Ricans who engage in hunting and indiscriminate deforestation in the San Juan River include the Retana family, Eduardo Arriola Reyes and others.

These families cross over to Nicaraguan territory from every Friday and spend the day selecting hardwood trees, such as cedar, mahogany, West Indies cedar and others, and during the night they cut down the trees with electric-powered saws. Later, on Monday, they load what they have stolen on boats to be sold in the Costa Rican market.

The people of Sarapiquí assure that these violators offer spotted pacas in the Costa Rican market for four thousand and five thousand colones, depending on their size, and every week they sell between one hundred and one hundred and fifty pounds of deer meat and other animals hunted in Nicaragua.

Likewise, macaws are sold for four thousand colones, which is a species in danger of extinction. Parrots are sold for five hundred and even one thousand colones, depending on the species.

At the place known as Sarapiquí, there are sectors, such as La Danta (one hour from the El Castillo de La Inmaculada) and San Francisco, which are

characterized by an abundance of cichlid, which are fished in large quantities and sold in the Costa Rican market.

The complainants pointed out that Commander Jaime Mairena, responsible for the military post in El Castillo, is already aware of this fact, as well as the authorities of San Carlos, but they have done nothing to stop these indiscriminate thefts and deforestation.

The inhabitants of Sarapiquí also state there are pristine forests in that zone with an abundant natural wealth that provide conditions for smuggling weapons and ammunition.

Insofar as the theft of animals and deforestation by Costa Ricans, it is not a recent but rather a historical fact. The question that the complainants keep asking themselves is until when will these people be permitted to plunder and violate our territorial sovereignty and other unruliness?

ANNEX 16

“Tourist and Guide Kidnapped,” *La Nación* (San José)

3 January 1996



Intense police operation in north zone

Tourist and Guide Kidnapped

• *Armed group demands \$1 million and release of the "Command of Death"*

Santa Rita de Boca Tapada, San Carlos. Two women, both European, remain kidnapped since the night before last by an armed group sought by Costa Rican and Nicaraguan authorities along the north border zone.

The victims were identified as 50-year old Swiss tour guide Regula Susana Siegfried, who has been a resident in Costa Rica for 25 years and works for the company VIATUR S.A., and 24-year old German tourist Nicola Fleuchaus.

Both formed part of an expedition of 12 German tourists who were the object of a surprise assault last Monday, at 8pm, at the hotel the Laguna Lagarto Lodge in Santa Rita, located seven kilometers north of Boca Tapada de San Carlos. The foreigners had arrived in the country on December 28 and were planning to stay two or three weeks.

Eight or ten individuals wearing fatigue uniforms and ski masks and carrying high-caliber weapons, such as AK-47s, M-16s and grenades, participated in the assault, perpetrated minutes after dinner.

Witnesses revealed that most of the subjects spoke with a Nicaraguan accent, although they said they were able to distinguish several Costa Ricans. Police sources have stated that at least one woman was involved.

After gagging the guests and employees, the kidnappers fled at midnight in a rural vehicle, taking the two women with them and an unspecified amount of food, jewels and other personal belongings.

The group, which calls itself the "Viviana Gallardo Command", left behind a list of demands, including, among others, a ransom of \$1 million (¢195 million at the official exchange rate) and the release of the group members who kidnapped the Supreme Court magistrates in 1993.

Yesterday, the Government approached the incident with great caution and appointed a special commission to coordinate police actions in the north zone and centralize all communications with the media.

The aforementioned commission includes Manuel Alvarado, Director of the Judicial Investigation Office (OIJ) and Information Minister Alejandro Soto, Public Security Minister Juan Diego Castro and Tourism Minister Carlos Roesch.

Minister Soto, acting as the spokesperson, insisted at the two press conferences held at 10:52 a.m. and 4:05 p.m. that national authorities are willing to engage in dialogue with the kidnappers.

When this edition went to press, allegedly no contacts had been made.

Discretion

The Costa Rican Government and Police are handling this case with absolute discretion.

News of the kidnapping, which was broadly disseminated yesterday by international news agencies, generated strong fear in official circles given the impact it could have on the influx of tourism.

German tourists represent a strong source of foreign currency for Costa Rica. According to Costa Rican Tourism Institute (ICT) figures, a total of 761,000 foreigners visited our territory in 1995, of which 40,000 were Germans.

This incident is just another link in a long chain of attacks against tourists.

One of the most recent cases occurred last December 14 when 15 Germans were assaulted at the Mirador de Orosi in Paraiso de Cartago by masked individuals who stole €10 million in personal belongings.

Mario Gutierrez, manager of VIATUR, S.A., stated that even though they are receiving a lot of support from the Government, the tourism sector has been seriously affected by the criminal attacks against foreign visitors.

He indicated that other customers have been victims of theft and attacks both in the capital city and in the interior of the country.

Alejandro Soto did not hesitate yesterday to qualify the incident as “an isolated event” and assured that the Government is willing to dialogue with the kidnappers in an effort to safeguard the physical safety of both women.

For this purpose, a negotiating group was sent yesterday to Ciudad Quesada. Manuel Alvarado, OIJ Director, informed that this interdisciplinary group is made up of 15 persons, including 2 psychologists.

The Minister of Tourism also talked with the father of Nicola Fleutchaus and the relatives of Regula Susana Sigfried to inform them, first hand, about the operation being carried out.

Foreign Secretary Fernando Naranjo also contacted the Embassies of Germany and Switzerland in the country.

On the other hand, police authorities have sought the support of their Nicaraguan colleagues given the possibility that the group of kidnappers could have fled last Monday night to that neighboring country.

That theory gained strength at 10am yesterday, after the 4-Runner vehicle, license plate 240982, that was used by the commando to leave the Laguna Lagarto Lodge hotel was found by the Border Police on the north bank of the San Juan River

At 3:00 p.m., Fernando Sánchez, OIJ director in San Carlos, met at the mouth of the San Carlos River with Edin Lago, regional chief of the Nicaraguan Army, to exchange information on the kidnapping.



ANNEX 17

“Border Row with Nicaraguans,” *La Nación* (San José)

16 July 1998

Army prevents police navigation

Border row with Nicaraguans

- *Militaries complain police are navigating with arms*

Berlioth Herrera and Carlos Hernández

Writer and reporter from La Nacion

A new border row between Costa Rica and Nicaragua emerged yesterday when the Nicaraguan Army issued an order prohibiting navigation on the San Juan River by armed Costa Rican police in the north zone.

The order bothered the Government of Costa Rica, which claimed since yesterday afternoon the right of free navigation over this river course, which is the only route it has to supply food and change the guard at the four border posts located between La Cureña de Sarapiquí and Barra del Colorado.

The order was issued by Colonel Orlando Talavera, Chief of the Southern Military Detachment (next to the border with Costa Rica), with support from senior authorities of the Nicaraguan Army, as stated last night by Milton Sandoval, the Press Secretary.

"This measure was taken because our troops had detected the presence of armed Costa Rican civil guards navigating on the San Juan River," explained the military officer.

However, the reply of the Costa Rican Atlantic Command, headquartered in Sarapiquí, was forthwith.

The logbook kept at the Costa Rican Delta 14 police post indicates that after the Nicaraguan measure was announced, an order was received from the Sarapiquí command, which stated: "Neither will the Nicaraguan police be permitted to set foot on Costa Rican soil."

Necessary step

The Minister of Security, Juan Rafael Lizano, told La Nación that yesterday afternoon he sent a note to the Minister of Government of Nicaragua, José Antonio Alvarado, explaining why the Costa Rican Public Forces need to navigate over the San Juan River.

"There are Costa Rican police posts that are impossible to reach except through the San Juan, and we need to do that to change the guard and supply food to our men."

He was disturbed by Nicaragua's questioning whether armed police could navigate over the river course. He emphasized that the police needs to carry weapons because it is an inhospitable zone and because of the amount of food they transport.

"The Cañas-Jerez Treaty of Limits (signed on April 15, 1858) grants us the right to navigate the San Juan River and points out that the only prohibition is for vessels of war. In this case, it is not about armed vessels, but weapons that are used by the police for their own security," he stated.

He also pointed out that he is unaware of the reasons that are pushing the Government of Nicaragua to take this measure. When he was asked about unofficial versions that are circulating which indicate that it was to take reprisal due to the growing number of illegal Nicaraguans that are being captured, he replied: "We are doing our work. Yes, we have reinforced our control measures and it's true that the number of deportees has increased."

However, he indicated that he did not have the exact number of persons who are deported every day, although information provided by the Delta 14 control post at Sarapiquí shows that 54 undocumented persons were detained between 17 June and 14 July, and 14 more persons were detained last Tuesday.

When he was consulted yesterday at noon, President Miguel Angel Rodríguez stated he was unaware of the situation, but that Costa Ricans have the right to navigate over the San Juan River.

Only with permission

Nicaraguan Captain Milton Sandoval highlighted that the Army clearly told the Costa Rican police that from now on they had to request permission from the Ministry of Defense in order to carry out their trips.

He stated that high-level coordination will be necessary to lift this measure.

Yesterday Chancellor Roberto Rojas said that he will take advantage of his participation at the Meeting of Foreign Ministers, which will take place before the Presidential Summit in El Salvador, to dialogue with his Nicaraguan counterpart Emilio Alvarez Montalván about this matter.

On his part, Costa Rica's Ambassador in Managua, Edgar Ugalde, stated that he did not have any additional knowledge about this matter. "Even today (yesterday for our readers) I met for more than one hour with Foreign Minister Alvarez and he didn't even comment anything to me about this matter. I suppose he doesn't know either."

Saturday, 25 July 1998

LA PRENSA

**Alemán rejects arbitration
Costa Rica accepts new meeting with Nicaragua**

HUMBERTO MEZA AND ALBERTO L. ALEMÁN

Although Nicaragua and Costa Rica have scheduled a new meeting next week at a political level, the border impasse could deepen after President Arnaldo Alemán rejected the proposed international arbitration that was considered as a possibility by Costa Rican Foreign Minister Roberto Rojas.

After Costa Rican officials accepted the new meeting, Foreign Minister Rojas stated that Nicaragua's position was a unilateral decision taken as a reprisal against Costa Rica for the deportation of illegal Nicaraguan immigrants.

"We don't understand what's happening because what was said does not match what is done. The President of Nicaragua assured us that they did not see any problems with respect to navigation over the river, as well as with respect to their demands for Nicaraguan custodies, but when we got to the core negotiation, Nicaragua's position was different", underscored Rojas.

In reply, Army General Major Javier Carrión, the primary leader of the technical negotiations that failed in Costa Rica, assured that the public forces' claims are due to their inexperience in that position.

"The position we maintain is to permit armed navigation, but with Nicaraguan supervision. Since the past we made transfers that way. Now the new public forces want to overlook this formal procedure", indicated the military chief.

"Surveillance by Costa Rica is necessary in that zone because there is a lot of illegal immigration, smuggling and other anomalies, which make it necessary to guard that southern part of the river," stated Foreign Minister Rojas.

ALEMAN: THERE IS NO ROOM FOR ARBITRATION

In the meantime, President Alemán, accompanied by the Central American heads of state, warned yesterday that he rejects any type of international arbitration in the negotiations, after indicating that Nicaragua will not change her position because she has supreme sovereignty over the San Juan River according to the Cañas-Jerez Treaty signed in 1858.

“They already have free commercial navigation. Armed vessels are never commercial. Here there is no room for arbitration,” stated the Nicaraguan President, indicating that he would have liked to have Rodriguez in the country in order to solve the conflict “face to face”.

The statements of Alemán were accompanied by the President of Honduras, Carlos Roberto Flores, who urged the parties to seek a negotiated solution to the conflict.

“There is no difference or divergence that cannot be settled through dialogue,” indicated the President of Honduras.

According to versions published in the Costa Rican newspaper La Nacion, the Costa Rican delegation is also suspicious of the meeting because of the changes in the executive branch that were officiated this week by President Arnoldo Aleman, essentially in the areas of defense and foreign affairs.

“For us it is uncomfortable or at least difficult being that at a time we are having discussions, the persons with whom we are talking are changed. However, that is not a reason to stop talking,” underlined Rojas according to a journalist from La Nación.

In reply, President Arnoldo Alemán underestimated such concerns, stating that, in first place, the changes will take effect in September, which in his opinion provides more than enough time to continue the negotiations.

The conflict could further escalate after the Nicaraguan Foreign Ministry informed LA PRENSA that the Government of Nicaragua will replace Nicaragua’s Ambassador in Costa Rica, Alvaro Sevilla Siero.

Although the exact date is unknown, LA PRENSA was able to confirm that Sevilla will be replaced by Enrique Paguaga.

Nacionales

25 de julio de 1998

Alemán rechaza arbitraje

HUMBERTO MEZA y ALBERTO L. ALEMÁN

Aunque Nicaragua y Costa Rica han programado para la próxima semana una nueva reunión a nivel político, el impasse fronterizo podría llegar a profundizarse, luego que el presidente Arnoldo Alemán rechazó la propuesta de un arbitraje internacional, considerando como una posibilidad por el canciller tico, Roberto Rojas.

Luego que los funcionarios costarricenses aceptaron el nuevo encuentro, el canciller Rojas consideró la postura de Nicaragua como una decisión unilateral, tomada en represalia a las deportaciones de Costa Rica, contra inmigrantes ilegales nicaragüenses.

“No entendemos lo que está pasando porque lo que se habla no concuerda con lo que se hace. El presidente de Nicaragua nos garantizó que no veían problemas por la navegación sobre el río y además sobre las exigencias de custodios nicaragüenses, pero cuando se llegó a la negociación puntual, la posición de Nicaragua fue diferente” subrayó Rojas.

En respuesta, el Mayor General del Ejército, Javier Carrión – principal dirigente de la negociación técnica que fracasó en Costa Rica – aseguró que los alegatos de las fuerzas públicas se deben a las inexperiencias de su cargo.

“La posición que mantenemos es permitir la navegación armada, pero con un custodia nica; incluso desde el pasado hacíamos los traslados de esa forma. Ahora las nuevas fuerzas públicas quieren hacer caso omiso a ese procedimiento formal”, indicó el jefe militar.

“La vigilancia por parte de Costa Rica se debe a que por esa vía se presenta mucha inmigración ilegal, contrabandos y otras anomalías, que hacen necesaria la custodia de la parte sur del río”, aseguró el Canciller Rojas.

ALEMÁN: NO HAY ESPACIO PARA ARBITRAJE

En tanto, el presidente Alemán, acompañado de los mandatarios centroamericanos, advirtió ayer que rechaza cualquier tipo de arbitraje internacional en las negociaciones, tras indicar que Nicaragua no cambiará de

posición por tener la soberanía suprema sobre el Río San Juan, según el Tratado Cañas-Jerez, firmado en 1858.

“Ellos ya tienen la libre navegación comercial. Las lanchas armadas en ninguno momento son comerciales. El arbitraje aquí no cabe”, expresó el mandatario nicaragüense al indicar que le hubiese gustado la presencia de Rodríguez en el país, a fin de resolver “cara a cara” el conflicto.

Las declaraciones de Alemán fueron acompañadas por el Presidente de Honduras Carlos Roberto Flores, quien urgió una salida negociada al conflicto.

“No hay ninguna diferencia ni ninguna divergencia que no pueda ser solucionada por medio de los diálogos que se puedan sostener”, indicó el mandatario hondureño.

Según versiones del diario La Nación de Costa Rica, la delegación nica mantiene otras suspicacias sobre el encuentro, debido a los cambios que oficializó esta semana el Presidente Arnoldo Alemán en el Ejecutivo, esencialmente en las áreas de Defensa y Relaciones Exteriores.

“Para nosotros es incómodo, o por lo menos difícil de que en un momento que hay discusiones se estén cambiando las personas con quién platicamos. Sin embargo, esa no es razón para no continuar platicando”, subrayó Rojas según un periodista de La Nación.

En respuesta, el Presidente Arnoldo Alemán desestimó tales preocupaciones, alegando en primera instancia que los cambios serán efectivos a partir de septiembre, situación que a su juicio les da más tiempo para continuar las negociaciones.

El conflicto podría llegar a subir de tono, luego que la Cancillería nicaragüense confiara a LA PRENSA que el Gobierno nicaragüense removerá al embajador nica en Costa Rica, Álvaro Sevilla Siero.

Aunque se desconoce la fecha del traslado, LA PRENSA logró confirmar que Sevilla será sustituido en su cargo por Enrique Paguaga.

ANNEX 19

“Country Firm in Meeting with Nicaraguans,” *La Nación* (San José) 29 July 1998

- a) English translation
- b) Spanish original



NACION.com

San Jose, Costa Rica

Wednesday, 29 July 1998

Meeting tomorrow in Managua

Country firm in meeting with Nicaraguans

• *Army warns that it will defend sovereignty*

Carlos Villalobos and Mauricio Herrera

Reporters from La Nación

While Public Security Minister Juan Rafael Lizano will travel tomorrow to Managua to defend the right of Costa Rica's police to navigate the San Juan River with their weapons, Nicaragua's top military chief, Joaquín Cuadra, warned yesterday that the Armed Forces are obligated to defend their country's sovereignty.

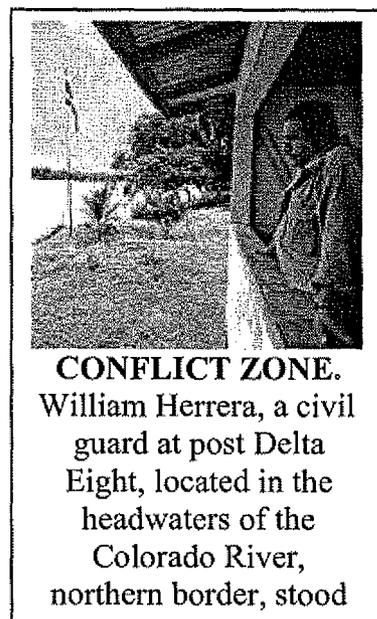
Lizano communicated his position at 3:50 p.m. after accepting the invitation by Defense Minister Jaime Cuadra Somarriba. The meeting will take place at the Ministry of Defense at 9:00 a.m.

Yesterday morning, Cuadra, who is the Chief of the Army, made this warning during an improvised press conference, in which he also stated that his men had the capacity to immediately reinforce the zone of the San Juan River with helicopter-transported troops.

For his part, President Arnaldo Alemán announced that next Monday and Tuesday he will travel through the river as part of his actions to ratify the sovereignty of his nation over the fluvial course.

The dispute between both nations began on July 15 when the Nicaraguan Army instructed its men to prohibit navigation by Costa Rican boats carrying armed police on the San Juan River.

Costa Rican police need to navigate the river to transport food and other supplies to four border police posts on the Costa Rican bank of the San Juan River, which are very difficult to reach by land. To protect themselves, they carry weapons.



CONFLICT ZONE.
William Herrera, a civil guard at post Delta Eight, located in the headwaters of the Colorado River, northern border, stood

No going back

Only one position will be taken by Minister Lizano to the meeting tomorrow. "The negotiating position I will take is to accomplish that our police forces can navigate the river with their service arms. That is the only problem that has existed, and that is my position".

However, he stated, depending on the spirit of negotiation that prevails at the meeting, there could be some signs of flexibility provided they do not affect existing treaties, jurisprudence and tradition. "We cannot go back", stated Lizano. He added that Nicaragua's sovereignty over the San Juan is not under discussion.

The Minister also revealed that the row began because the former Government permitted the presence of military escorts on the Costa Rican boats, a situation he prohibited upon assuming responsibility for the security of the country on 8 May. Further, statistics from the regional immigration office in the north zone indicate that the number of illegal immigrants deported through the north border increased this semester by approximately 50 percent with respect to the same period last year.

Nicaraguan Defense Vice-Minister, José Adán Guerra, informed the press in his country that the only point on the agenda to be discussed by the parties will be the "modus operandi" or Costa Rica's intentions that its vessels navigate with armed police on the river.

"We want to overcome this problem for the benefit of the two countries and Central America", stated Guerra.

Troops ready

Military chief Joaquín Cuadra warned, however, about the possibility of immediately deploying troops to the border with Costa Rica, although he also left open the possibility of a solution resolved by dialogue.

"I am sure that it will not be necessary to resort to extreme measures (...) Now there are civilized ways to settle these disputes through dialogue and diplomacy", he stated.

Nonetheless, he insisted that the "the last echelon" of defense of national sovereignty were the armed forces, which have the obligation to act at any moment.

Deportation of illegal persons increases

During the first seven months of this year alone, Costa Rica has deported more Nicaraguans than in all of 1997, according to Costa Rican police reports and data from the San Juan River Immigration Department in Nicaragua.

From January 2 to July 17 last, Costa Rica deported 15,068 illegal Nicaraguan immigrants detained in the north zone, while there were 8,302 administrative rejections during that same period last year, totaling 10,047 over the 12 months.

These 1998 figures do not take into account 10,700 illegal immigrants who voluntarily presented themselves before the police and immigration agents to be taken out of from the country, bringing the total number to 25,768.

Average monthly rejections stand at 2,152, however, after adding those persons who voluntarily request to be deported, monthly deportations increase to 3,681.

However, according to immigration authorities in San Carlos in Nicaragua, Costa Rica had deported 22,000 illegal immigrants up to June 30 last.

For Costa Rica, a deportation occurs when a decision is reached by the National Immigration Council, but in the cases that have occurred at the border, the term used by the country is "administrative rejection". Nonetheless, Nicaragua considers all devolutions as deportations.

NACION com

San José, Costa Rica
Miércoles 29 de julio, 1998

El País

Reunión mañana en Managua

País firme en cita con nicas

Ejército advierte que defenderá soberanía

*Carlos Villalobos y Mauricio Herrera
Redactor de La Nación*



ZONA DE CONFLICTO.
William Herrera, un guardia civil del puesto Delta Ocho, ubicado en la naciente del río Colorado, frontera norte, vigilaba el viernes la zona. Al fondo, territorio nicaragüense

En tanto el ministro de Seguridad Pública, Juan Rafael Lizano, viajará mañana a Managua para defender el derecho de la policía costarricense para navegar con sus armas por el río San Juan, el máximo jefe militar nicaragüense, Joaquín Cuadra, advirtió ayer que las Fuerzas Armadas están obligadas a defender la soberanía de su país.

Lizano comunicó su posición a las 5:30 p.m. al aceptar la invitación que le hizo el ministro de Defensa, Jaime Cuadra Somarraba. La cita se verificará en el Ministerio de Defensa a las 9 a. m.

Ayer por la mañana, Cuadra, quien es el jefe del Ejército, hizo la advertencia en una improvisada rueda de prensa en la que, además, afirmó que sus hombres están en capacidad de reforzar de inmediato la zona del San Juan con tropas transportadas por helicóptero.

Por su parte, el presidente Arnoldo Alemán anunció que, el lunes y martes próximos, recorrerá el río como parte de sus actos destinados a ratificar la soberanía de su nación sobre el cauce fluvial.

El diferendo entre ambas naciones surgió el 15 de julio cuando el Ejército de Nicaragua giró instrucciones para que sus hombres prohibieran la circulación de lanchas de la fuerza Pública tica con policías armados por el San Juan.

Los guardias costarricenses requieren navegar por el río para llevar alimentos y otros suministros a cuatro puestos de vigilancia limítrofes en la margen tica del

San Juan, a los cuales es muy difícil llegar por tierra. Para protegerse, portan armas.

Sin marcha atrás

Una única posición es la que llevará el ministro Lizano mañana a la cita. "La negociación que llevo es lograr que nuestra gente de la Fuerza Pública pueda andar por el río con su arma de reglamento. Ese es el único problema que ha existido, y esa es mi posición."

Sin embargo, dijo que, dependiendo del espíritu de la negociación que reine en el encuentro, podrían generarse señales de flexibilidad siempre que no se afecten los tratados existentes, la jurisprudencia y la tradición. "No podemos echar para atrás", declaró Lizano. Agregó que el tema de la soberanía nicaragüense sobre el San Juan no está en discusión.

El Ministro reveló además que el lío nació porque el Gobierno anterior permitió la presencia de custodios militares en las lanchas ticas, situación que él prohibió al asumir la seguridad del país el 8 de mayo. También, una estadística de la oficina regional de Migración en la zona norte indica que la devolución de inmigrantes ilegales por la frontera norte se incrementó esta semestre en aproximadamente el 50 por ciento con respecto al mismo período del año pasado.

Al frente, el viceministro de Defensa nicaragüense, José Adán Guerra, manifestó a la prensa de su país que el único punto de la agenda entre las partes será "el modus operandi" o las pretensiones de Costa Rica de que sus lanchas transiten con policías armados por el río.

"Lo que queremos es superar este problema para beneficio de los dos países de Centroamérica", expresó Guerra.

Tropas listas

El jefe militar Joaquín Cuadra advirtió, no obstante, sobre la posibilidad de un traslado inmediato de tropas a la frontera con Costa Rica, aunque dejó también abierta la probabilidad de una solución dialogada.

"Estoy seguro de que no se va a tener que recurrir a medidas extremas (...) Ahora hay formas civilizadas de arreglar estas contradicciones por la vía del diálogo y la diplomacia", afirmó.

Empero, insistió en que la patria tiene "su último escalón" de defensa de la soberanía en las fuerzas armadas, las cuales están obligadas a actuar en cualquier momento.

Crece devolución de ilegales

Solo en los primeros siete meses de este año Costa Rica ha deportado más nicaragüenses que durante todo 1997, según reportes policiales costarricenses y datos del Departamento de Migración de Río San Juan, en Nicaragua.

Del 2 de enero al 17 de julio pasados Costa Rica devolvió a Nicaragua 15.068 inmigrantes ilegales detenidos en la zona norte, mientras que el año pasado, en ese mismo período, hubo 8.302 rechazos administrativos y un total de 10.047 en los 12 meses.

Estas cifras de 1998 no toman en cuenta a los 10.700 ilegales que se presentaron voluntariamente ante la Fuerza Pública y agentes de Migración para que los sacaran del país, con los cuales la suma asciende a 25.768.

El promedio mensual de rechazados es de 2.152, pero si se le suman los que voluntariamente piden regresar, las devoluciones mensuales llegan a 3.681.

Sin embargo, para las autoridades migratorias en San Carlos de Nicaragua, Costa Rica había deportado a 22.000 indocumentados hasta el 30 de junio anterior.

Para Costa Rica una deportación ocurre cuando media una decisión del Consejo Nacional de Migración, pero en los casos ocurridos en la frontera el término empleado por el país es "rechazo administrativo". Empero, Nicaragua considera todas las devoluciones como deportaciones.

ANNEX 20

“Costa Rican Guards Point Guns at Nicaraguan Boaters,” *La Prensa* (Managua)

30 July 1998

Costa Rican guards point guns at Nicaraguan boaters

ELIZABETH ROMERO

Over the past several months Costa Rica's civil guard has penetrated the border zone at the San Juan River carrying their firearms and have even pointed their guns at Nicaraguan boaters who transit over those waters.

This version was confirmed by two boat owners who work in those Nicaraguan waters and it was also recorded on video by a Nicaraguan tourist who traveled on 20 June last to that paradisiacal place in the sector of San Juan del Norte. The video tape was given to La Prensa yesterday.

The boaters from the locality told our reporter that on June 17 last, the border police of the southern neighbor were navigating over the San Juan River and threatened them with their firearms.

"They pointed their guns at us and made us go to their post at El Cureño... they asked us for the list of passengers we were transporting and my name", stated one of the affected.

At the time of the incident, the boater was going to La Tigra, however, he clarified that Costa Rican boats "always navigate" over the Nicaraguan waters and travel from La Tigra to Puerto Viejo.

Last July 16, Army Chief, General Joaquín Cuadra, prohibited navigation by the border police of the neighboring country over the boundary area of the San Juan River carrying firearms. That prohibition was backed by President Arnaldo Aleman.

Although members of the General Staff of the Army of Nicaragua traveled to the neighboring country in the south to explain to its authorities that Costa Rica's armed police cannot navigate over that river, they insisted on taking the case before international organizations.

The president of the neighboring country, Miguel Angel Rodriguez, reacted to the Nicaraguan position by refusing to travel to Managua where he would attend the EXPICA exposition.

“Down here at the post in Cureñita, they have a camouflaged brown 200-HP boat... since we navigate the river, they are following us, requesting names, lists”, insisted another boater.

“I made a phone call to the radio and called the Army of Nicaragua to come see the situation here”, stated one of the boaters interviewed by our reporter.

The second boater adduces that the reason why Costa Rican police is dedicated to pursuing co-nationals is trafficking of illegal immigrants. “They don’t want people to be entering. Every boat they see, they think is going to drop off people”, he indicated.

However, Costa Ricans also use the San Juan River more than the Nicaraguans themselves. The waters of the San Juan River are used as a tourist attraction, which does not produce any income for Nicaragua. In the information they provide to tourists, very little is said about the location of the San Juan River. They simply assure that it is in the north border of their country.

According to several tourism businesspeople, such as Mr. Enrique Zamora, the Government of Nicaragua should adopt emergency measures for the development of the San Juan River zone, facilitating telecommunications, the rehabilitation of the San Juan del Norte airport, as well as the enactment of a tourism incentive law to counteract Costa Rica’s influence in that area.

ANNEX 21

**“Nicaraguans Denounce Costa Rican Harassment on National
Territory,”**

La Prensa (Managua)

2 August 1998

LA PRENSA

Managua, Sunday, 2 August 1998

Nicaraguans denounce Costa Rican harassment on national territory

AMALIA MORALES

EL CASTILLO, SAN JUAN RIVER. Ignored by the government. That's the situation faced by the inhabitants of El Castillo, a town located on the south border, on the bank of the San Juan River, who in recent months were harassed and pursued by Costa Rican authorities in Nicaraguan territory.

The agreement signed by the Ministers of Defense of Nicaragua and Costa Rica apparently settles a conflict over protocol. However, it does not take into account the situation of the boatmen and inhabitants of the zone who navigate daily over the waters of the San Juan.

All the activities of El Castillo depend on navigation in the outlet of the Lake of Nicaragua. But in recent months navigation has become a risk for boaters in the zone and a headache for travelers, who sometimes have been pursued and illegally searched by Costa Rican military.

Neighbors of El Castillo say they have been abandoned

One of the boatmen affected by that situation is Geovany Obregón Bustos. He is the boater of the "Titanic III". Obregón Bustos says that the problem started in Costa Rica's boundary bank, from the sector known as La Tiricia up to the mouth of the river.

The boater relates that during a trip he made a month and a half ago from San Juan del Norte to El Castillo, he was attacked by Costa Rican guards.

THEY SHOOT AT THE BOAT

"I was passing by the sector of La Cureña and from their side they signaled me to bring my boat closer, but I didn't stop and I continued. Since I didn't stop, they fired two bullets that fell about twenty yards from the boat", he recounts. In spite

of the fear shared with the passengers, Obregón Bustos says he only stopped the boat in front of the first post of the National Army.

He parked the boat at Boca de San Carlos. There he filed a complaint before the national military officers, who immediately communicated with the Costa Rican post. Obregón Bustos recalls that the first reply was lack of knowledge. "The guy who responded to the Nicaraguan Army said he didn't know what was happening and they were going to investigate", affirms the boatman. A while later they called back and explained it was a drunken soldier and apologized.

The news became known in the region after fearful passengers reported the incident in a local radio station. The accusation had no echo among the authorities. No measure was taken in that regard.

According to the boatman, it is common to see Costa Rican armed military boats navigating and stopping Nicaraguan boats. Thus, to halt the entry of illegal nationals to their territory is one of the causes for the violation of Nicaragua's rights over the river.

"The truth is that they (the Costa Ricans) are always bothering. Between four and five military carrying 30 and 60 caliber machineguns travel in a 200-HP boat," assures the boatman. They usually carry out patrols and detain national vessels between Boca de San Carlos and La Tigra, according to Obregón.

Another boater is Pedro Reyes, who frequently navigates the river downstream, from El Castillo to the river's mouth in the Atlantic, at San Juan del Norte.

Reyes says that he was followed by Costa Rican military board on a boat. The Costa Rican guards surrounded his boat and forced him to stop in a foreign patio. They ordered him to get out of the boat and he refused to obey the order. To force him, they loaded an M-16 machinegun. The boatman acquiesced in light of the threat and got out. They asked him for the boat documents. They did the same with the passengers. After they confirmed that they were all undocumented, they arrested them. "They went to expel them through Los Chiles", he says.

Reyes believes that the measure is to "catch illegal people." But he does not approve this mechanism at all. The boatman considers that the attitude of the guards constitutes a violation to the rights that Nicaraguans have over the river. "They can only navigate as civilians, but not how they're doing it", he says.

"We are making a living, we're not carrying weapons like them", affirms the boatman, who recognizes that in most of his trips he transports Nicaraguans "without papers" who are going to seek employment and money in Costa Rica.

A similar experience was faced by boatman Pedro Picado. "We were stopped for about 15 minutes with the machinegun", he states. "They have the right to guard their border, but on their side", he says questioning the attitude of the Costa Rican military.

José Trujillo, a Costa Rican border guard, says there are too many illegal Nicaraguans in his country. Trujillo assures that the entry of 2,500 is reported every day. He affirms that traffic along the river bank is exaggerated. "The situation for us becomes very critical because there are hundreds of people." This reality forces them to be strict.

The Costa Rican guard minimizes the stories of the Nicaraguan boaters. He considers that the conflict has originated from gossip. "There are gossiping people who invent things. We respect Nicaraguans very much," repeats Trujillo. "We even exchange greetings with the boaters when they pass".

The population is making claims to the government. They demand a prohibition against the Costa Rican army to navigate with arms over the river. "The Nicaraguan Army lacks firmness. There is a great deal of paternalism with the Costa Ricans, as it is known that the soft part corresponds to Nicaragua and the solid to Costa Rica, but that is not respected", says lawyer José Benito Salazar, a native of El Castillo.

Lieutenant Diego Estrada, chief of the National Army post in El Castillo, says that he does not have sufficient means to carry out frequent patrols and to confirm the versions of the boaters regarding the harassment of the Costa Rican military.

Estrada, who has held that position for a short time, assures that the trips they make to the different towns up to San Juan del Norte are done sporadically when delegations from some institutions leave. But it is not constant.

These are the same conditions under which the Nicaraguan military offers work in other border posts situated in Boca de San Carlos, Sarapiquí of Nicaragua and San Juan del Norte.

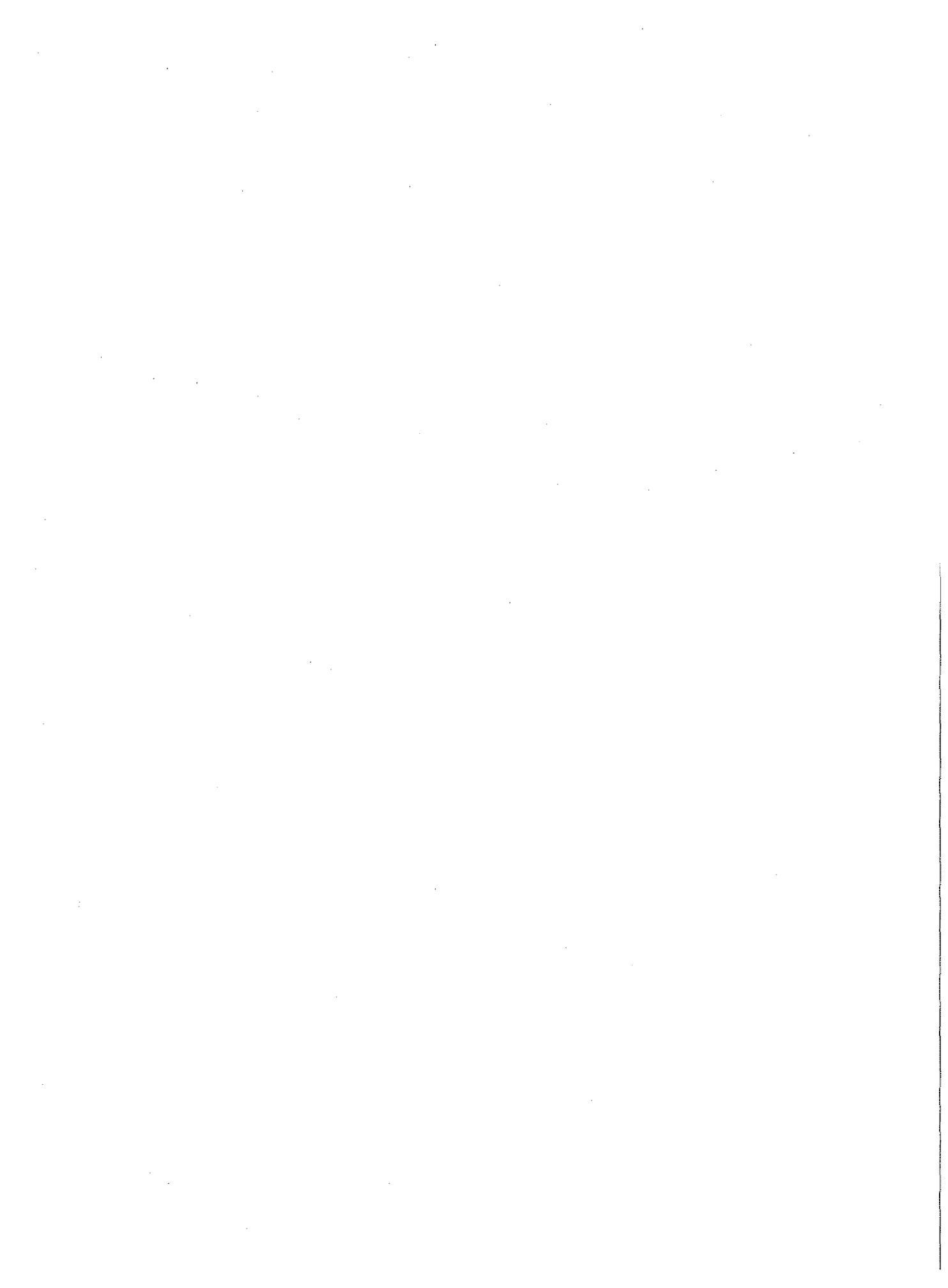
According to the inhabitants, the Nicaraguan posts are separated at a considerable distances, which impedes the monitoring of the extensive body of water. On the other hand, the Costa Ricans have set up more posts to guard their territory.



ANNEX 22

“Costa Rica Retaliates,” *La Prensa* (Managua)

15 August 1998



LA PRENSA
Managua, Saturday, 15 August 1998

Costa Rica Retaliates

Prohibits Nicaraguan navigation in Barra del Colorado

SAN JOSE (AP). The Government of Costa Rica hardened its measures against Nicaragua yesterday in protest for the annulment of the bi-national agreement on navigation in the San Juan River border.

Security Minister Juan Rafael Lizano announced the prohibition on transit by Nicaraguan Army soldiers through Costa Rica's Colorado River, which is used by the neighbors to the north as an outlet to the Caribbean Sea.

The Colorado River is close to the mouth of the San Juan River and it is used by Nicaraguans as an outlet to the sea when the course of the San Juan River loses depth during the dry season and cannot be navigated.

"In the Colorado River only civil vessels shall navigate, but no Nicaraguan soldiers or armed vessels," said Lizano.

The Minister also ordered the border customs with Nicaragua not to allow the passage of uniformed or armed soldiers when they cross over to Costa Rican territory to make purchases and other tasks.

Lizano was concerned by the increase in the number of soldiers on the San Juan River's Nicaraguan bank and decided to avoid navigation by civil guards who, despite the complication, must now travel by land.

Both countries are in opposition regarding the way in which their fellow citizens should navigate on the San Juan River after the government of President Arnaldo Alemán prohibited navigation by Costa Rica's armed police over those waters.

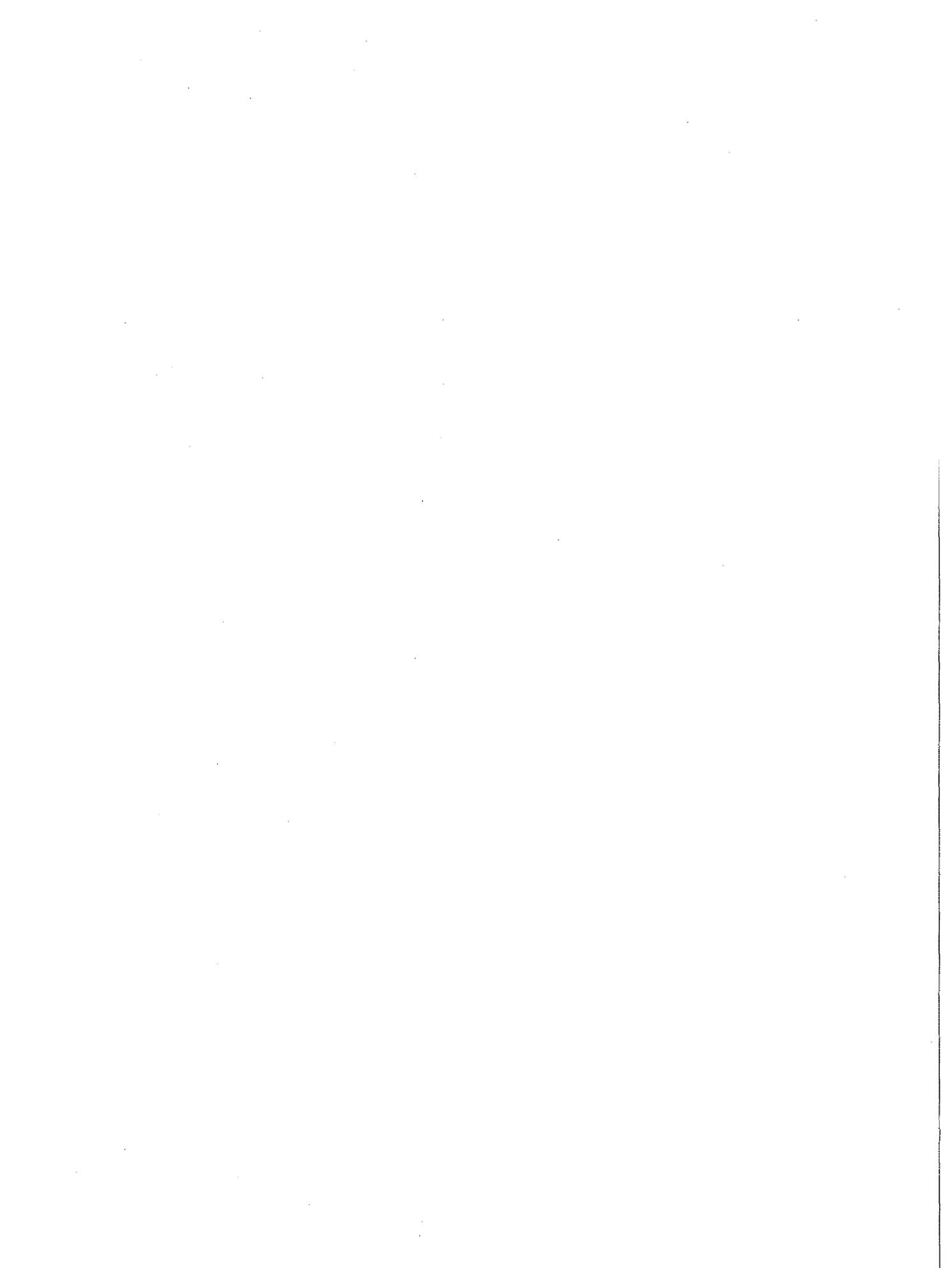
The frictions increased following the decision of Nicaragua to annul an agreement signed with Costa Rica on July 30 last, which permitted Costa Rica's civil guards to navigate with their service weapons.



ANNEX 23

**“Another Costa Rican Map ‘Takes the River,’” *El Nuevo Diario*
(Managua)**

26 August 1999



Reaction of Minister of Foreign Affairs Montealegre

ANOTHER COSTA RICAN MAP "TAKES THE RIVER"

El Nuevo Diario, August 26, 1999

The government of Nicaragua reacted yesterday to a publication by Costa Rican tour operators, in which a map depicts Nicaragua's San Juan River to be Costa Rican and even makes it appear as if the border of [the southern] country extends to the shores of Lake Nicaragua. Faced with such a publication, [Nicaraguan] Minister of Foreign Affairs Eduardo Montealegre explained that these types of publications, which "seek to create confusion," have been produced since the 1970s and that Nicaragua will send an official note to the Costa Rican authorities to clarify the situation "and, to the extent possible, to clearly establish our rights."

The minister stated that the government will analyze in detail this and other types of publications that sever Nicaraguan territory in favor of Costa Rica. He invited other local institutions, such as the Department of Immigration and the Institute of Tourism, to become involved in the problem.

Montealegre reiterated that the border between both countries is well defined and demarcated. "A more aggressive tour operator probably wants to do something beyond his competence," noted the head of Nicaraguan diplomacy. "That's why we're here."

GOVERNMENT PRESENCE?

As a result of the conflict that the Costa Ricans sought to fabricate last year regarding the provisioning of their troops, attempting to transport armed guards via this route without permission from Nicaraguan military authorities, Montealegre claimed that the Army maintains a presence and that efforts will be initiated to develop the border zone from the area of Cárdenas. He did not provide any further details.

The minister also mentioned the creation of a forest police force that would be deployed in the Indio Maíz Reserve in the country's southern region. He insisted that, to date, there are "interesting alternatives and ideas" to contribute to Nicaraguan development on its border with Costa Rica.

COSTA RICANS CLAIM THEY NEED NO PERMIT

Weeks before, the Nicaraguan government, through the Ministry of Foreign Affairs, expressed to the Costa Ricans that it was willing to collaborate with them with respect to the provisioning of their troops along the border. It has received no response. It seems that, according to the Costa Ricans, no permission is required for them to transit Nicaraguan waters on the San Juan River. "Nevertheless, the offer stands," noted the Minister of Foreign Affairs.

Nicaragua can not and will not accept that the Costa Ricans lay claim to the San Juan River, Minister Montealegre stated emphatically.

(...)

PRESIDENT RODRIGUEZ NOT GOING TO TAIWAN

The minister reported that, "technically," a meeting between President Arnaldo Alemán and his Costa Rican colleague, Miguel Angel Rodríguez, will not be possible during the first week of September in Taiwan, where the Central American leaders were invited by Taiwanese President Lee Ten Hui. The Costa Rican president is not going to Taiwan.

However, Montealegre announced that he will travel to El Salvador today (Thursday) to take part in a meeting of Central American Ministers of Foreign Affairs. There, he will have the opportunity to speak with his Costa Rican counterpart, Roberto Rojas. Montealegre did not say whether they will address the border situation. He did confirm that they will analyze the date of the next bi-national meeting.

ANNEX 24

**“Indio Maíz Declared World Biosphere Reserve,” *La Prensa*
(Managua)**

10 July 2003



Antonia Calero Sequeiro
antonia.calero@laprensa.com.ni

Indio Maíz declared World Biosphere Reserve

The Indio Maíz Reserve, one of the largest biodiversity reserves in Central America, covering an area of 263,980 hectares, will form part of the World Biosphere Reserve.

Located south of Bluefields, covering part of the Kukra River and El Castillo, in San Juan River, the Indio Maiz Reserve received this designation from the International Coordinating Council of the MAB Programme of the United Nations Organization for Education, Science and Culture (UNESCO) in Paris, according to information provided by EFE news agency.

The title Biosphere Reserve refers to zones located in terrestrial or coastal ecosystems that are recognized by UNESCO's International "Man and the Biosphere" Programme to promote and demonstrate a balanced relationship between mankind and the environment.

A GREAT COMMITMENT

Even though UNESCO in Nicaragua has not received official information regarding this declaration, representative Juan Bautista Arrien stated that it was a great commitment for Nicaraguans, taking into account that UNESCO declared Bosawas as the country's first Biosphere Reserve in 1996.

"It is very interesting that UNESCO once again sets its eyes on Nicaragua; it is significant and a great commitment because it is not just to declare a historical site or biosphere reserve, but a framework based on man and the sphere of life," he stated.

For designating Biosphere Reserves, diverse countries propose zones within their territory that meet specific criteria, such as conservation of landscapes, ecosystems, species and genetic diversity.

The Ministry of the Environment and Natural Resources (MARENA) submitted an application to designate the Indio Maíz or San Juan River Biosphere Reserve.

According to Eduardo Marín, Vice-Minister of MARENA, this designation of the Indio Maiz Reserve will further develop tourism.

“It is a great joy for our country, even though we will have an enormous commitment to preserve it, however, we will have the satisfaction of achieving a greater boom in tourism investment and the world will know that we also have important places in our country”, Marín pointed out.

ANNEX 25

**“Crocodile Devours Child in the Indio River,” *La Prensa*
(Managua)**

10 April 2007

La Prensa.com.ni
The Newspaper of the Nicaraguans
10.04.07
Managua

Crocodile devours child in the Indio River

Francisco López G.
Correspondent/San Juan River.
departmanetos@laprensa.ni

A 4-year old boy was mortally attacked by a huge crocodile before the helpless eyes of his two brothers who were bathing with him in the Indio River on Sunday afternoon.

Omar Eliu López Rocha is the unfortunate child who died in the jaws of the crocodile when he was bathing in the river.

According to authorities at the Ministry of the Environment and Natural Resources (MARENA), this type of animal is known in the zone as the black alligator.

The tragic event occurred in the community of El Zapotal, municipality of San Juan de Nicaragua, as reported by Captain Rita Matus Granja, spokesperson of the police delegation in the San Juan River.

MARENA has authorized the search and killing of the animal in order to recover the child's body.

The police officer stated that according to information received from that municipality, located 200 kilometers west of San Carlos on the Caribbean coast, the tragedy occurred on Sunday, at approximately six in the afternoon, when the three 11, 7 and 4-year old Lopez Rocha brothers went to bath in the river.

When the children were bathing in the river a 5-meter long crocodile jumped out of the water and attacked the youngest one.

According to statements by the surviving children to the authorities, they were together when the animal jolted out of the water and directed its attack against the youngest one, pulling him away and dragging him to the bottom of the river.

The frightened children ran to tell their family, who in turn informed the Police, Army, Ministry of Health (MINSa) and MARENA authorities, who went to the place to try to do something for the victim but nothing could be done.

The second chief of the Nicaraguan Army's Southern Military Detachment (DMS), Lieutenant Colonel Carlos Navas Salinas, said that soldiers from that institution have been coordinating the search with the police, MARENA and MINSa since Sunday. The search to find the body of the child or his remains continued on Monday, but nothing had been accomplished by Monday afternoon.

In the San Juan River, at the mouth of the river at San Juan de Nicaragua and the Indio River, in front of the town of San Juan de Nicaragua, it is common to see gigantic crocodiles basking in the sun along the sand bars. However, according to local authorities, there have been no reports of crocodile attacks against humans in recent years. This type of predators usually attack and drag their victims to deeper waters in order to devour them without being bothered.

Authorized to kill the animal

These animals belong to a species that is protected under environmental laws, especially in the municipality of San Juan de Nicaragua, which has been declared a reserve. The law prohibits the hunting of animals threatened by extinction as an environmental crime. Article 27 of Law 559 (Special Law on Crimes against the Environment and Natural Resources) provides that any person who hunts animals threatened by extinction shall be punished with two to three years in prison and a maximum fine of 20,000 dollars. The penalty is doubled if the crime occurs in protected areas.

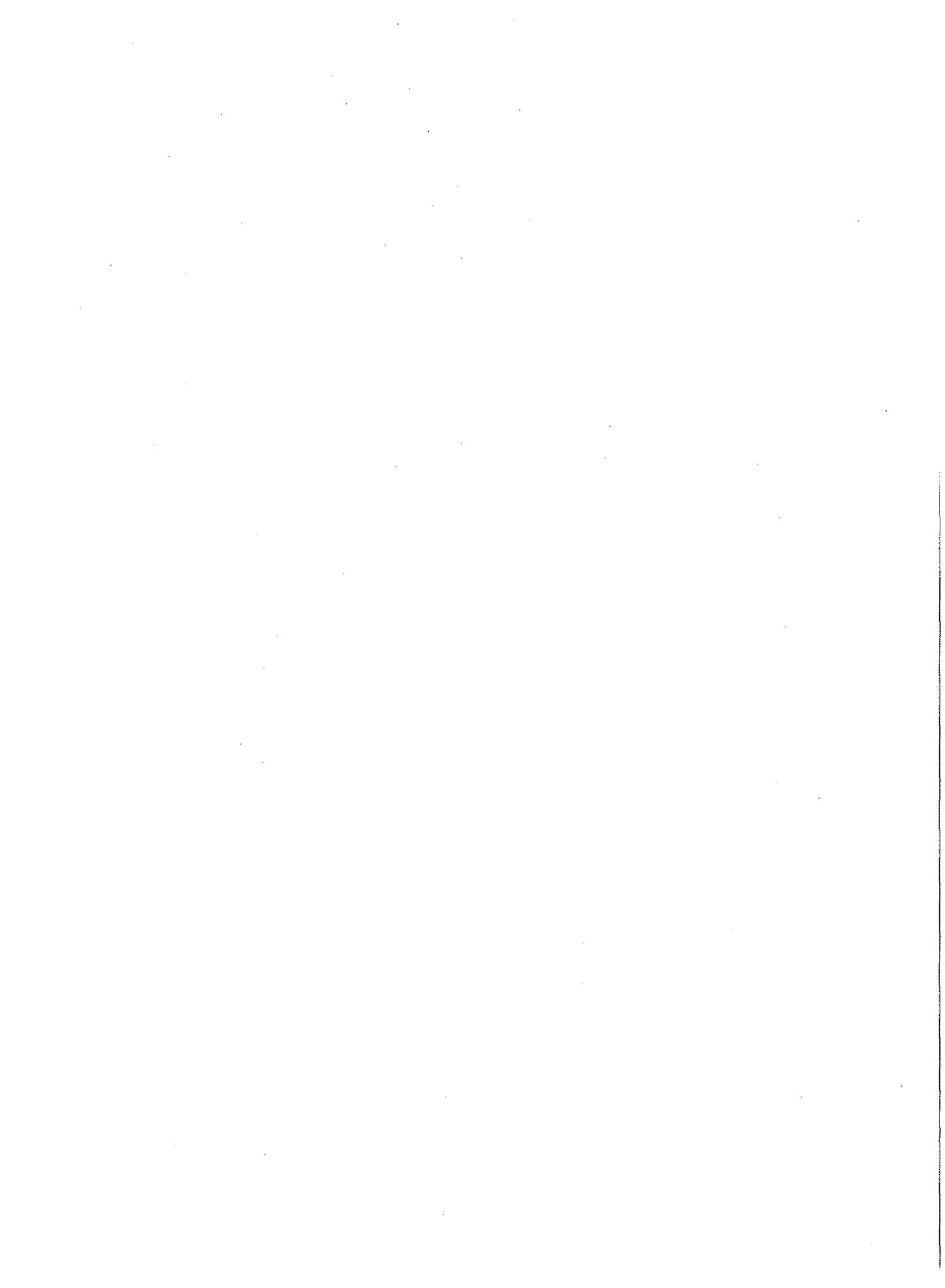
However, sources close to the Nicaraguan Army, affirmed that MARENA has authorized the killing of the animal in order to recover the remains of the devoured child.

The American crocodile (*Crocodylus acutus*), which is the same species of the reptile, is native to the Americas.

These reptiles live in fresh, brackish and saltwater, and are found south of the Gulf of Mexico, the Greater Antilles, excluding Puerto Rico, and Central and South America, along the Caribbean coast, up to Venezuela.

These reptiles also live in the Pacific coast of Central America and to the north of South America up to Tumbes. In the United States, they can be found in South Florida, as far as Vero Beach on the Atlantic and Tampa in the Gulf.

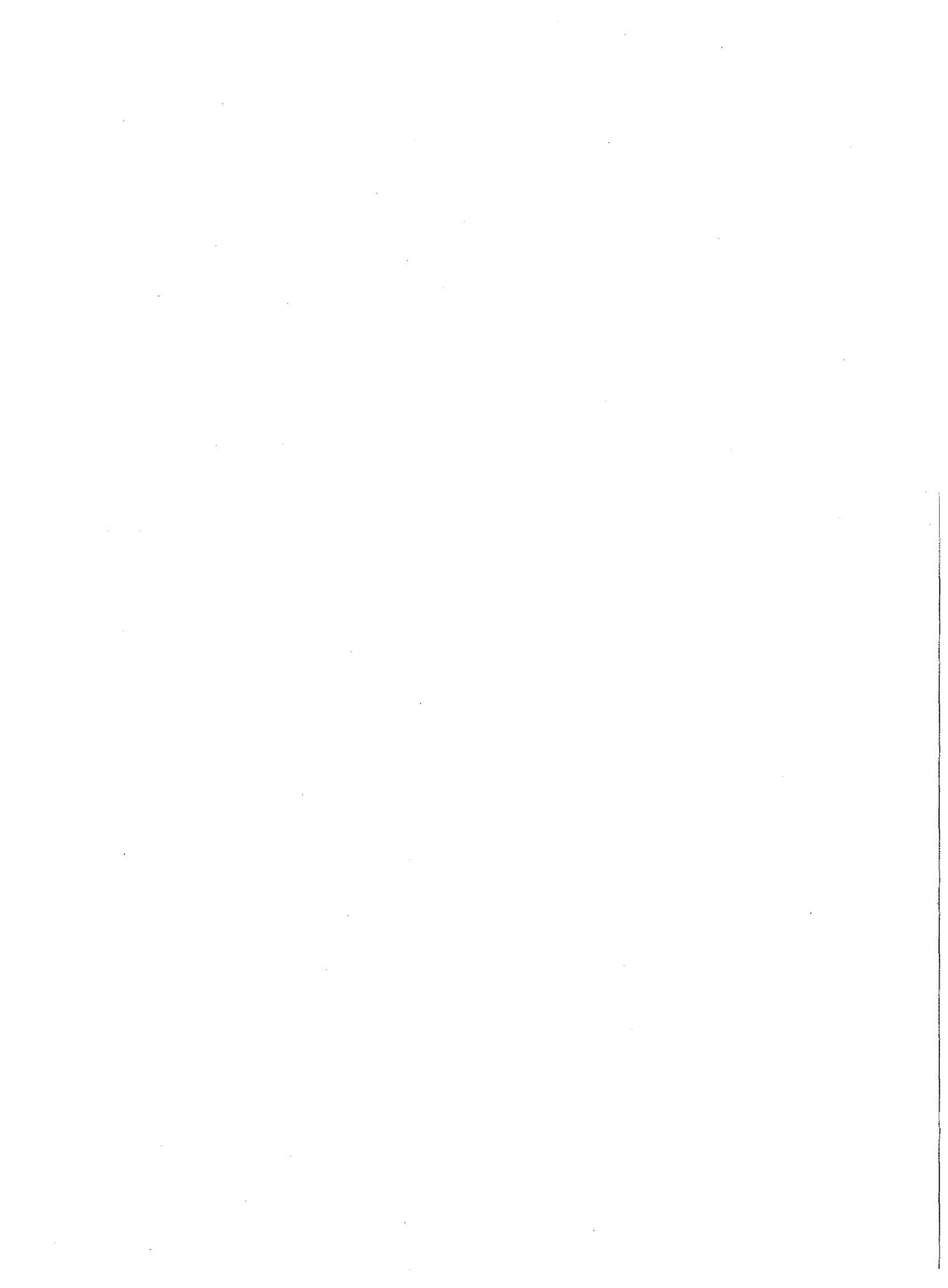
These crocodiles are much more aggressive than American Alligators. Even the youngest ones are dangerous because they usually do not flee. Adults can reach six meters in length.



ANNEX 26

“Crocodile Kills 13-year old Boy Who Was Bathing in the River,”
La Nación (San José)

5 May 2007



NACION.COM

Saturday, 5 May 2007

San José, Costa Rica

Crocodile kills 13-year old boy who was bathing in the river

*Six-meter animal caught boy by the leg and dragged him into the water
Adults had warned the children about the dangerous presence of these reptiles*

Nicolás Aguilar R. y Gabriela Gatjens

naguilar@nacion.com

San Francisco de Tortuguero, Pococí. Yesterday a crocodile approximately six-meter long killed a 13-year old boy who was bathing with several friends at the mouth of the Tortuguero River in the Caribbean Sea.

The victim was Breydi Escorcía Arriola, a first-year student at the high school located in San Francisco de Tortuguero, in Pococí, Limón.

Although neighbors and authorities searched the place, they could not recover the body of the child yesterday.

The reptile attack occurred at 11:45 a.m., about 400 meters from the child's home, who usually bathed in the river in spite of repeated warnings from his parents and other relatives.

Fulminating. "The crocodile caught him by the foot and dragged him. Breydi screamed for help, but suddenly he disappeared in the waters of the river.

"A few seconds later he came out of the water and screamed that the crocodile had ripped off his foot. And then he said goodbye to his brother Pablo and asked him to say goodbye to his father for him", related 15-year old witness José Fabián Jiménez Cascante.

"We were playing and suddenly my friend screamed "crocodile". When I realized what was happening Breydi was being dragged from side to side and later submerged", said 12-year old Luis Robleto Wilson, another friend who was bathing in the river when the tragedy occurred.

“Goodbye, Pablito, he already tore off a foot. I can’t stand it anymore; don’t ever bathe in the river again”, Wilson said that the victim shouted before disappearing in the jaws of the crocodile.

The incident caused despair among the neighbors who by then had run to try to help him.

The search for the adolescent began soon after the attack and extended to 5:15 p.m. without any results. “We stopped because it was already dark and we were exhausted”, stated Ashley Ruiz, a neighbor of San Francisco.

Persons in the community, coast guards and border police officers participated in the operation. Several hotels even provided boats to search for the body of the child.

Indignation. The death of the student also caused pain and indignation among the neighbors, some of whom assured they will search the river from today forward in order to kill the animal.

“We saw how he grabbed him by the head. It was horrible. Later he sunk and we never saw him again,” recalled Ashley Ruiz.

Although some locals acknowledged they were aware of the presence of large crocodiles in the Tortuguero River, they assured that until yesterday they had only attacked “dogs and some pigs”.

Despite the danger, children always bath in the river behind their parents’ back.

“I was at work when they told me that a crocodile had attacked my son. I thought the crocodile had only bitten him, but when I got to the river I saw that the crocodile had killed him”, related 44-year old Juan Pablo Escorcia Urbina.

GRIEF

CHILDREN DO NOT OBEY.

NAME: LAURA WILSON

RELATIONSHIP: WITNESS

“WHEN WE HEARD THE SCREAMS, WE CAME CLOSER AND SAW HOW THE CROCODILE CAUGHT HIS HEAD AND SUBMERGED HIM.

CHILDREN DON'T OBEY."

AT FIRST HE DID NOT THINK IT WAS SERIOUS.

NAME: JUAN PABLO ESCORCIA

RELATIONSHIP: FATHER OF THE CHILD

"MY SON ALWAYS BATHED IN THE RIVER. WHEN THEY TOLD ME I THOUGHT IT WAS NOT SERIOUS, THAT HE HAD ONLY BEEN BITTEN OR SOMETHING."

OTHER VICTIMS

8 APRIL 1997. A FIVE-METER LONG CROCODILE KILLED 23-YEAR OLD ISRAELI RONEN GILARD WHO WAS BATHING IN A LAGOON IN THE MONDONGUILLO BIOLOGICAL RESERVE IN MATINA, LIMON. IN THAT INSTANCE, THE ANIMAL CAUGHT GILAD BY THE LEG AND DRAGGED HIM UNDERWATER.

1 MAY 1998. ANOTHER THREE-METER LONG CROCODILE ENDED THE LIFE OF DENIS CHACON AT THE MOUTH OF THE JESUS MARIA RIVER IN TIVIVES, NEAR CALDERA, PUNTARENAS. THE INCIDENT OCCURRED WHEN CHACON WENT IN THE WATER AFTER HIS FISHING LINE GOT STUCK.

16 JUNE 2002. 29-YEAR OLD UBALDO MARTÍNEZ DIED AFTER BEING BITTEN BY A CROCODILE CALLED JUANCHÁ WHEN HE FELL INTO THE WATERS OF THE TERRABA RIVER WHERE IT PASSES PALMAR NORTE DE OSA IN PUNTARENAS. MARTINEZ, A PANAMANIAN, WAS DETAINED IN THE POLICE PRISON OF PALMAR, FELL INTO THE WATERS OF THE TERRABA RIVER WHEN HE TRIED TO ESCAPE BY OPENING A HOLE IN HIS CELL.

11 APRIL 2005. 13-YEAR OLD ERICK ALEXANDER GUEVARA PASOS DIED AFTER A FOUR-METER LONG CROCODILE ATTACKED HIM WHEN HE WAS BATHING IN THE BEBEDERO RIVER WHERE IT PASSES BY THE TOWN OF THE SAME NAME IN CAÑAS, GUANACASTE. THE STUDENT'S BODY WAS FOUND THE FOLLOWING DAY. HE DIED FROM ASPHYXIA.

8 APRIL 2007. A SIX-METER LONG CROCODILE TOOK 4-YEAR OLD OMAR ELIU LÓPEZ ROCHA WHEN HE WAS BATHING IN THE SAN JUAN RIVER AT THE NICARAGUAN SECTOR OF EL ZAPOTAL, CLOSE TO JOBO DE SARAPIQUI, HEREDIA. YESTERDAY THE BODY HAD NOT BEEN FOUND.

ANNEX 27

“Costa Rican Mine Has Unleashed Concern in Nicaragua,”
Miami Herald (Miami)

21 June 2008



MiamiHerald.com

Posted on Sat, Jun. 21, 2008

Costa Rican mine has unleashed concern in Nicaragua

BY LELAND BAXTER-NEAL

President Oscar Arias' executive order to greenlight a gold mine a few miles from the Nicaraguan border has upset the Nicaraguan government and united environmentalists in both nations.

Arias lifted a six-year ban on open-pit mining for precious metals, saying the nation's environmental laws offer enough protection. Critics, however, say it is evidence that Arias' much-touted environmental commitment runs shallow.

Juana Argeñal, Nicaragua's environment minister, has called on Costa Rica to suspend the newly approved mine, expected to pour millions into Costa Rican government coffers over five years. Argeñal said the mine would pollute the San Juan River, which forms a natural border between the two Central American nations less than two miles from the mine site.

"We, the ministry, declare ourselves completely against it because once it enters into operations, the environmental impact for Nicaragua will be huge," Argeñal said.

The San Juan River is dotted with small fishing communities and is home to an abundance of wildlife. The river also connects to the expansive Lake Nicaragua, considered the country's future source of drinking water.

215 FEET DEEP

The gold mine, named Las Crucitas after the closest of a scattering of tiny, poor border communities in the remote region, will open a pit 215 feet deep and use cyanide to separate gold from ore.

Argeñal argues that the mine needs approval from Nicaragua's government because of potential cross-border environmental effects.

Costa Rica's foreign ministry insists that authorizing the mine is a "sovereign act" and that Nicaragua's calls to suspend the project are "inappropriate."

Nicaragua, the Costa Rican government claims, has seven such mines in operation, plus 60 metal mine concessions and 15 foreign companies carrying out

explorations. Authorities could not confirm Friday if any of these mines were located on or near the border.

Costa Rica's Environment Minister, Roberto Dobles, told The Miami Herald that Nicaragua has nothing to worry about from the Crucitas mine

"Costa Rica has some of the best environmental legislation," he said. "We make sure nothing happens in Costa Rica, and if nothing happens in Costa Rica, nothing will happen in Nicaragua."

Environmentalists, however, remain skeptical and point to a nearly disastrous mining accident last October.

MINE DISASTER

Bellavista, the country's only operating open-pit gold mine, located near the town of Miramar west of the capital, was shut down after heavy rains triggered landslides that destroyed the mine's million-dollar processing plant and threatened to tear liners designed to keep cyanide from seeping into the ground.

The conflict over the Crucitas mine is the latest flare-up in an often-strained relationship between the two countries, where the San Juan River has long been a sore spot.

Although the river belongs to Nicaragua, Costa Rica has limited -- and disputed -- navigational rights. Costa Rica's claim to navigational rights is currently being contested before the International Court of Justice at The Hague.

PLAN CONDEMNED

Environmentalists' concerns, however, bridge the historic animosity between the two nations.

The day before Arias' April 23 announcement that the Crucitas mine would be permitted, a group of environmental organizations from Nicaragua and Costa Rica met in the Nicaraguan capital of Managua and issued a declaration condemning the anticipated decision.

Costa Rican environmental authorities say Crucitas will be strictly monitored by an independent, internationally certified monitoring firm, while another laboratory will regularly test all water used by the mine and in the surrounding area to watch for potential contamination.

The concession to the Crucitas mine is held by a Canada-based gold mining firm that this month changed its name from Vanessa Ventures to Infinito Gold.

Andrés Soto, a spokesman for the firm's Costa Rican subsidiary, said the property is still being prepared for construction and the mine is not likely to begin operations before September 2009.

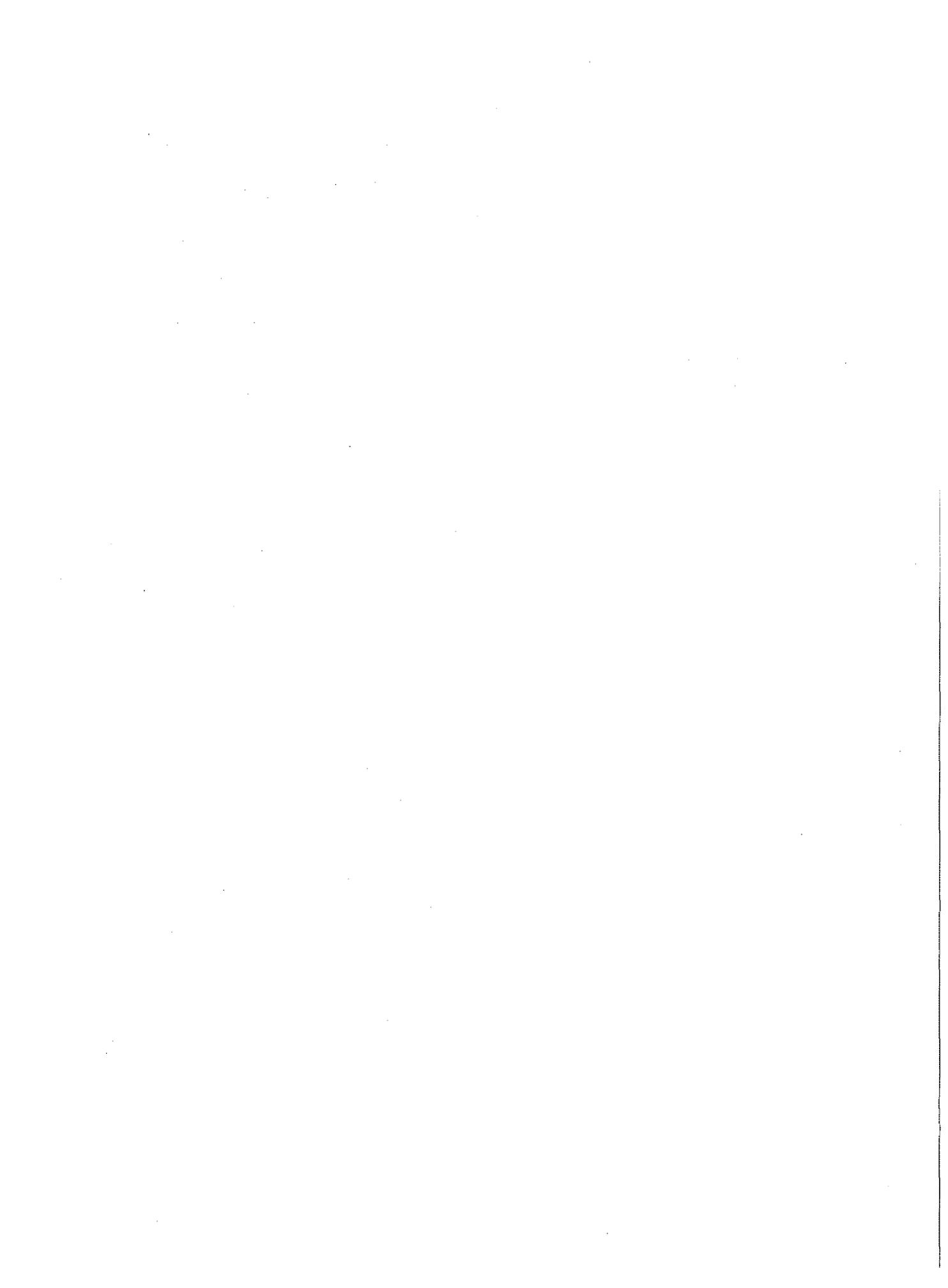
When it does begin, it will draw an estimated 76,000 ounces of gold from the earth each year for five years, for an estimated total of 380,000 ounces. At current prices, which have been rising along with the cost of oil, Crucitas would earn Infinito Gold more than \$335 million.

After years of court battles and vocal opposition from national environmental groups and local community organizations, Arias gave the mine the go-ahead after Infinito Gold scaled down its plans and beefed up its promises of environmental and social aid.

NO CHEMICAL LEAKS

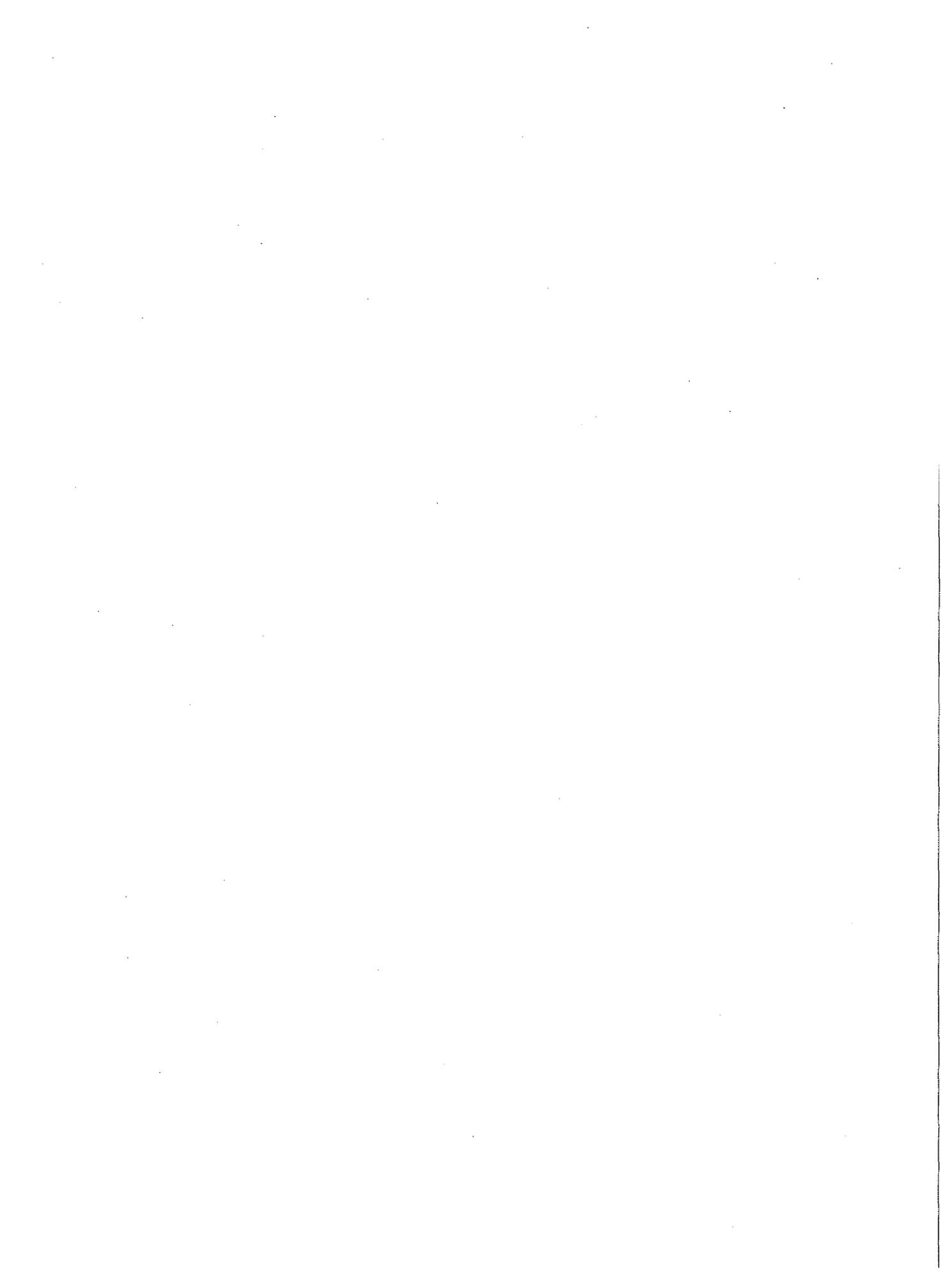
Once pulled from the earth, the gold will be put through a series of six chemical baths of cyanide to separate it from the ore. According to Soto, the whole process is "a closed circuit" where the cyanide is eventually destroyed and no chemicals are released into the environment.

In addition to pouring millions of dollars into government coffers through taxes and fees, Infinito Gold also has promised to build a series of bridges, fix roads in the area, employ 230 workers, reforest more than 90 acres and fund improvements to local schools, among other social programs.



ANNEX 28

**Folkman, Jr., David I. *The Nicaragua Route*. Salt Lake City, UT:
University of Utah Press, 1972. [Extracts]**



(...)

(-115-)

In addition to financial difficulties, the directors had to come to grips with a problem that threatened to end all navigation by way of the port at San Juan del Norte. In the years 1851 to 1857 over twenty-three feet of water flowed over the bar at the entrance to the harbor, and vessels of all sizes easily entered the port. During these years the ocean steamers anchored inside the harbor just off Point Arenas while the river steamers pulled alongside to discharge and take aboard passengers. However, by the time the company reopened the route in 1862, it was apparent that the alluvial growth which had created the point of land called Point Arenas was slowly filling up the harbor. At that time the company felt confident that it could restore the harbor. Then in July of 1863 an earthquake lifted the bar at the entrance of the harbor and reduced the water depth to less than ten feet. After this occurrence the ocean steamers and large vessels had to remain outside the bar. Inclement weather sometimes caused delays of several days in transferring passengers to the river steamers. In addition, the raised bar restricted the flow of water out of the San Juan River and increased the rate of build up of sand bars in the harbor and lower river. As the silt became deeper, the water diverted more and more

(-116-)

through the Colorado branch flowing through Costa Rica. In 1848 some nine-tenths of the water had flowed out the lower San Juan; by 1865 eleven-twelfths of the water flowed through the Colorado branch to the ocean. Unfortunately, no harbor existed at the entrance to the Colorado branch, and the combination of silt deposit and restricted flow of water made the lower San Juan almost impossible to navigate during the dry season. In March 1865 the river steamer *City of Granada* struck a reef below Castillo Viejo and sank. Fortunately the passengers and their baggage were saved, but it took them six days to cross the isthmus. With grass growing where Captain Hollins had anchored the *Cyane* to bombard Greytown, and the lower San Juan becoming increasingly more difficult to navigate, the company faced the decision of either finding another port or dredging out the harbor. It considered both possibilities."

In January 1865 the company engaged the services of a party of engineers, detached from the Coast Survey Department of the United States government, under Captain G. C. F. West to make a thorough

survey of the San Juan River and the harbor at San Juan del Norte. Captain West reported that further use of the lower San Juan and the harbor would necessitate turning part of the water flowing out the Colorado branch back into the San Juan and building some artificial means to prevent the further decay of the harbor after restoring it for use. In lieu of this expensive and difficult endeavor, he suggested that the harbor at Monkey Point, forty miles to the north, could be put in excellent condition and that the Colorado branch would require very little improvement, five feet being the least water in the dry season. Francis Morris, then president of the company, concluded from Captain West's report that it would be hopelessly expensive to restore the harbor at San Juan del Norte and therefore suggested in a letter to the stockholders on September 6, 1865, that they adopt West's alternative plan. He foresaw the ocean steamers docking in the harbor at Monkey Point in all kinds of weather, transporting the passengers to steamers adapted to crossing the thirteen feet of water at the bar of the Colorado branch, a second transfer a good distance up the river to river steamers, and continuance across the transit."

(...)

ANNEX 29

González Villalobos, Paulino. *The Sarapiquí Route: A Sociopolitical History of a Road*. San José: Instituto de Investigaciones Sociales,

Universidad de Costa Rica, 1976. [Extracts]



that Hale offered to populate, which became known, subsequently, as “the Mountain of the English”. He also offered to form a colony between the San José and Hermoso Rivers. Finally, he offered to build a canal that would connect the river Sarapiquí with the San Juan.⁴⁸

Mr. Hale’s company was nothing more than an idealist project. There was no new attempt to colonize the zone until years later.

4. THE ALAJUELA COMPANY (1827-1830)

As we have already stated, the interest in the Sarapiquí route was not limited to trade with Nicaragua, but extended to a more important purpose, a way out to the Atlantic. The Costa Rican government, for the purpose of increasing interest in the construction of this road, issued a decree (12 March 1827), offering \$500 in money and \$1,000 in land, to the person who discovered a road to the San Juan.⁴⁹ This led a group of businessmen in Alajuela to attempt a new expedition to the zone, for which purpose they requested authorization from the municipality of Alajuela.⁵⁰

These businessmen used for their first incursion “some vestiges of the trail of the defunct citizen Franco Saborio...”⁵¹

One of the commissioners, Mr. Miguel Alfaro, made the first expedition on August 7.

(48) GOMEZ URBINA, Carmen Lila. Opus cit. p. 99.

(49) National Archives. “Expediente sobre descubrimiento de la vereda a Sarapiquí y río navegable a la ensenada de San Juan, su reconocimiento por el Gobierno y demás efectos subsiguientes”. In *Revista de los Archivos Nacionales*. Year IV, No. 5 and 6 (1940), p. 291.

(50) *Idem*. p. 292.

(51) We have not found any other reference on the expedition of Mr. Saborio. *Ibidem*.

In spite of the difficulties, a small flow of merchandise began to develop by means of the path opened by the Alajuela company. There is specific news about the passing of 18 mules with tobacco for Nicaragua in 1828.⁵⁵

In spite of the problems faced, the government awarded the entrepreneurs in accordance with that legislated, but not without first recording that:

“...although the fact is not exactly in accordance with the tenor and purposes of those laws, for it is a comfortable path but rather hardly practicable for the transport of burdened steeds.”⁵⁶

Clearly, significant capital investment would be required to convert this path into a road useful for trade, and such resources were not available at that time.

Because of the effects of the Alajuela company (together with those carried out subsequently by Don Pío Murillo from Heredia), factors such as those listed below began to influence the determination of the starting point of the road to Sarapiquí:

- the struggle for economic and political hegemony; a struggle that arose between the incipient bourgeoisies of the main cities in the Central Valley;
- the fight to achieve a monopoly of access to the sole route for foreign trade.

Von Frantzius notes the following about this situation:

(55) FRANTZIUS, Alejandro Von. Opus cit. p. 19.

(56) National Archives. Congress. Document No. 839.

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(...)

the benefits stipulate by law.⁶¹

In 1835, the government sought to give new momentum to the route, ordering its rectification and widening to up to four yards. However, the civil wars put an end to these objectives.⁶²

Parallel to the latest expeditions, a serious attempt to colonize the plains of Sarapiquí developed. The Frenchman Alfonso Dumatray

founded a company for said purposes, taking advantage of the decree of June 3, 1828.⁶³ The project included the formation of a cattle ranch, sugarcane farms, a mill and distillery. Cattle ranching did not yield the expected results, but the production of sugars and alcohols had great initial success, and it was necessary to increase the area cultivated with sugar cane each year.⁶⁴ In only the second year of operations, a total of 15,000 "quintales" of sugar and 48,000 liters of rum were produced, returning 500% of the invested capital.⁶⁵ For these purposes, modern machinery had been imported, of which there are still some remains.⁶⁶ In addition to the products listed above, there were four corn harvests per year, as well as plantain raising. The destination of this production was San Juan del Norte. However, the lack of labor, difficult land access to the interior and unhealthiness of the climate wreaked havoc on the enterprise, and in 1838 it was almost [...]

(61) FRANTZIUS, Alejandro Von. Opus cit. p. 24.

(62) Idem. p. 22.

(63) GOMEZ URBINA, Carmen Lila. Opus cit. p. 101.

(64) MELENDEZ CHAVERRI, Carlos "San Alfonso. La primera hacienda en la colonización de las llanuras de Sarapiquí." In *Orbe*, No. 140, Year 25 (1982); p. 21.

(65) FRANTZIUS, Alejandro Von. Opus cit. p. 20-21.

(66) GOMEZ URBINA, Carmen Lila. Opus cit. p. 101.

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CHAPTER IV

2nd Phase: Marginalization of the Sarapiquí Route Project, 1836-1846

1st. THE MAJOR CHANGES

During the period of 1836-53, a series of qualitative changes took place within Costa Rican society that simultaneously increased the need for the road to Sarapiquí and generated contradictory processes. The determining element of these transformations was the dramatic development of coffee cultivation. This process had begun in 1832 with exportation to Chile. Years later, it would accelerate through direct trade with England and especially with the injection of financial capital from said nation.⁶⁸

The coffee boom created a rapid process of change in land use within the Intermountain Central Valley. Subsistence farming and formerly hegemonic products (sugarcane, tobacco and wheat) were replaced by coffee, and their cultivation was marginalized to peripheral zones of the Valley. In this way, a monocultivation system was developed a system that, to a great degree, was promoted externally by English capital through the advance financing method for coffee harvests.⁶⁹

(68) FACIO, Rodrigo. Estudio sobre economía costarricense. 2nd edition, San José: Editorial Costa Rica (1975); p. 43.

(69) Idem. pp. 47-48.

(...)

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[...] current harvest. At this pace, these beautiful coffee plantations, these valuable and extensive agricultural fields, this mercantile movement and all of these improvement projects, signs of a flattering future, would soon disappear, leaving poverty and demands that would stir up passions and convert Costa Rica into a theater of calamities, disorder and despair”¹²⁹

Given these conditions, the construction of a road to the North was urgent. To this effect, the President ordered the Directorate to carry out all necessary reconnaissance for the road's construction.¹³⁰ Immediately, a commission was formed, composed of several members of the Directorate and the “practical” Manuel Sancho.¹³¹ As of that point, work on the route to Sarapiquí was encouraged, to the extent that Faustino Montes de Oca was named Superintendent of the road to the North.¹³²

During the same year, an expedition was sent to the Toro Amarillo River to determine whether this river was navigable. The results were negative.¹³³

However, all of the work to be carried out toward San Juan del Norte would be in vain unless a favorable agreement could be reached with Nicaragua. In 1848, the Costa Rican government communicated its intention of opening the Sarapiquí route to the government of Nicaragua, also stating that, for said purposes, it would send a delegate to sign a trade

agreement. Nicaragua's exceedingly violent response threatened to break off relations if Costa Rica insisted on constructing the road

- (129) CASTRO MADRIZ, José María. "El General Presidente del Estado de Costa Rica a sus habitantes" in El Costarricense, May 18, 1848; pp. 360-361.
- (130) Official. "S.E. El Benemérito General Presidente del Estado se ha servido expedir el decreto que sigue" in El Costarricense, May 18, 1848; p. 361.
- (131) National Archives: "Actas de la Junta Directiva de la Sociedad Itineraria 1847-1848" in Revista del Archivo Nacional, Year No. 1-12, p. 236.
- (132) Idem. p. 237-247.
- (133) Idem. p. 249.

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without a prior arrangement regarding the border question.¹³⁴

Costa Rica sent Felipe Molina to act as delegate before the Nicaraguan government to discuss the problem of the road and the border question. However, the new negotiations would end in categorical failure. Nicaragua sought control over the water channel and surrounding territories, whereas Costa Rica, in addition to a route to the Atlantic, was hoping to conserve its territorial integrity.¹³⁵

The Nicaraguan government proposed the following as a dividing line:

"... a [line] that, beginning at the point of Descartes on the Pacific and continuing along the southern beach from another point, taking a direct line in separating from the beach toward the inlet of the Refugio River in the great lake of Nicaragua (whose river is the same near that over which the Frenchman D. Luis Chevan held possession), continuing from there along the bank of said lake to the Frio River, and from there rising by said river eight leagues then taking a line parallel to the San Juan River, at which point always with a distance of said eight leagues from the banks of the San Juan, until touching upon the Sarapiquí River where, dropping the same eight leagues and arriving at the San Juan River, it will continue first along the right bank of this river to the

branch called Colorado, and continuing from there along the right bank of this river to its mouth in the Atlantic”¹³⁶

This proposal was unacceptable to Costa Rica, which proposed the following limits:

“... the point of Descartes on the Pacific and continuing along the southern beach of said point, taking a direct line upon separating toward the mouth of the Refugio River in Lake Nicaragua, and the bank of this [lake] to the San Juan River, from there the southern border of said river to the Colorado, and taking the bank of this river to its mouth in the Atlantic.”¹³⁷

In addition, Nicaragua never recognized Costa Rica's rights to navigation and sought to impose heavy taxes on the transport of Costa

(134) OBREGON, Clotilde. Opus cit. p. 52.

(135) Idem.

(136) National Archives. Foreign Relations. Box No. 18. Document No. 19b.

(137) National Archives. Foreign Relations. Box No. 18. Document No. 18.

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Rican merchandise, and on merchandise coming to Costa Rica from other latitudes.¹³⁸

In anticipation of the failure of this mission, a series of diplomatic maneuvers were developed, in which there was serious foreign intervention — intervention that was ultimately determined by problems of a geopolitical nature.

During the 1840s, the San Juan basin was a point of international conflict. England and the United States sought to control it in order to build an inter-oceanic canal. For England, control was fundamental in order to maintain commercial hegemony over Latin America. Construction of the canal would make it unnecessary to sail around Cape Horn, thereby facilitating communication with countries of the Pacific. For its part, the United States sought to challenge British hegemony within its own “backyard.” In addition, due to the discovery of gold

mines in California on January 24, 1844,¹³⁹ and the resulting migratory current toward this region, control over this route was of vital importance to the United States in order to encourage the transport of labor toward the country's new western territories.

Great Britain, using its allies the Zambos-Mosquitos and mobilizing military detachments in Belize, threatened Central America's Atlantic coast from the early 1840s. In a joint expedition in 1848, they took the port at San Juan del Norte, among other sites.¹⁴⁰

(138) OBREGON, Clotilde. Opus cit. pp. 58-80.

(139) VILAR, Pierre. Oro y moneda en la Historia (1492-1930). Barcelona, Ariel (1970); p. 466.

(140) OBREGON, Clotilde. Opus cit. pp. 147-148.

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(...)

to build roads: some through Matina, and other through San Carlos.¹⁵⁰

Lacking economic resources with which to carry out its own construction efforts, the government encouraged capital dispersion, promoting the formation of shareholder companies to build roads. As was to be expected, these companies did not gather the capital necessary for operations, as in the case of Sociedad Itineraria del Norte when it attempted to build a highway to Moín and Limón via the Matina route.¹⁵¹

The new system of private companies had been tested successfully in other regions.¹⁵² It consisted in the state's cession of lands and tolling rights to the contracting party.

One of the attempts to replicate this system was the Sarapiquí Company. On October 27, 1851, a decree was issued authorizing the constitution of a company of twenty partners with capital totaling 60,000 pesos, for construction of the road to Sarapiquí.¹⁵³ According to the terms of the contract signed by the partners, they committed¹⁵⁴ to: building a bridle path between San José and the pier of the Sarapiquí River within a period of eighteen months, and then a highway twenty yards wide, similar to that of Puntarenas, within eight years. For its efforts, the company would receive:

- 1- one thousand yards of land on each side and along the length of the part of the road passing through vacant land [...]

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- (150) FRANTZIUS, Alejandro Von. Opus cit. p. 22-23.
(151) AVILA BOLAÑOS, Olger. Opus cit. pp. 362-367.
(152) LACOUR-GAYET, Robert. La vida cotidiana en los EEUU en vísperas de Guerra de Secesión. 1830-1860. Buenos Aires. Lib. Hachette (1965); p. 53.
(153) Cf. Annex No. 1.
(154) Cf. Annexes No. 1 and No. 2.

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(...)

proposal that was initially rejected by the partners.¹⁶⁰ In 1853, however, when the economic situation was very difficult for the Company, they accepted ceding to the North Americans the right to establish a navigation company,¹⁶¹ a company that was never established.

Construction of the road was implemented with very few human resources. The technical teams were limited to a civil engineer (Luis Charmier¹⁶²) and the foremen. The rest of the workers were unskilled laborers.

The lack of labor was one of the main obstacles, and its effects were felt from the beginning of the efforts. As of April 1852 there were reports about:

“...the lack of workers is felt more every day, which is a very sensitive issue for our enterprises.”¹⁶³

This problem became worse over time and, in the end, there was a severe lack of unskilled labor.

The technical engineering work was apparently deficient. Only a few years later, in 1864, Gindlach and Gallinier affirmed the following:

“The engineers formerly employed (on this road) seem to have neglected to make the corresponding maps. Therefore, there is no data upon which to form an opinion about whether or not the current artery has been placed

on the most favorable line in terms of length and slope.”¹⁶⁴

Land reconnaissance work began on December 6, 1851. Thursday, December 10, would be the day of the official inauguration of the

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- (160) “Camino a Sarapiquí.” In La Gaceta. September 25, 1852; p. 2.
(161) “Vapores en el Sarapiquí.” In La Gaceta. October 1, 1853; p. 3.
(162) La Gaceta. May 15, 1852; p. 3.
(163) “Camino a Sarapiquí.” In La Gaceta. April 3, 1852; p. 3.
(164) National Archives. Fomento No. 1708.
(165) La Gaceta. December 13, 1851; p. 2.

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work.¹⁶⁶ Progress occurred very quickly, and by April 1852 more than one third of the highway had been built. By the next month, the path had reached the pier, and it was estimated that only one more year would be necessary to complete the work.¹⁶⁷

The work was abandoned in August 1853, having achieved the following: construction of a mule path to the pier, thereby complying with part of the contract, and construction of a highway to El Desengaño¹⁶⁸, failing to meet the agreement.

Road quality was not good. Shortly after the work had stopped, travelers who used the road referred to its poor conditions. Traveling in July 1853, Wilhelm Marr noted the following about the section between El Desengaño and Vara Blanca (which was not exactly the worst part):

“Our mounts trod over the mud as rapidly as snails attempting to catch a horse, but unable to move any more quickly.”¹⁶⁹

The situation was no different at lower elevations:

“On both sides of the ‘path’ the thicket often reached a height of fifty feet and more, but the mud increased as well — the soft and deep mud into which our animals sank positively up to their bellies every eight or nine steps. Since the mail passes over this trail only once per

week, the vegetation has time to grow strongly at many points along the narrow transitable strip. The branches swing back after being pulled by the preceding rider, frequently whipping the face of he who follows. But worst of all were the reeds that constantly tangled in the mules' legs, such that they fell every so often like lassoed prey."¹⁷⁰

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- (166) "No oficial" La Gaceta. December 20, 1851, p. 1.
(167) "Camino a Sarapiquí." In La Gaceta, April 3, 1852, p. 3; and La Gaceta, May 15, 1852, p.3.
(168) "Dirección de la compañía de Sarapiquí." In Boletín Oficial, November 24, 1853, p. 6.
(169) MARR, Wilhelm: "Viajes a Centroamérica." In Costa Rica en el S. XIX, Anthology by Ricardo Fernández Guardia, 2nd Edition, San José: EDUCA (1970), p. 252.
(170) Idem. p. 257.

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The services provided by the new route were of little relevance, limited to the trade of luxuries, the carrying of news and contraband activities.

The volume of imported trade passing through customs at Sarapiquí in 1856 gives us an idea of the limited transport over this route. Merchandise worth only 9,471 pesos was imported, out of a total import volume of 113,564 pesos.¹⁷¹

As a means for the transportation of news from the exterior for publication in the official press (under the name "Correo de Sarapiquí"¹⁷²), the route was of significant use. In this way, Costa Ricans learned about the main overseas economic and political occurrences.

Contraband activities were apparently frequent in this zone. This was one of the reasons put forward when the customs office was closed in 1860.¹⁷³

As a result of the sale of properties adjacent to the route, slight colonization developed from El Desengaño to San Miguel.¹⁷⁴ In 1870, these settlers pressured the government to provide them with 1,000 pesos annually to repair the local road.¹⁷⁵ However, the small settlements must

have been populated with small farmers, for in 1888 it was affirmed that there was no labor force or capital to exploit it in the North.¹⁷⁶

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- (171) SQUIER, Ephraim George: "Los Estados de Centroamérica." In Costa Rica en el S. XIX, Anthology by Ricardo Fernández Guardia, 2nd Edition, San José: EDUCA (1970), p. 290.
- (172) Publication began in La Gaceta of May 19, 1853, p. 2.
- (173) National Archives. Congreso No. 6911.
- (174) FRANTZIUS, Alejandro Von. Opus cit. p.23.
- (175) National Archives. Fomento No. 115.
- (176) National Archives. Congreso No. 9531.

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With respect to the diagnosis of the situation, the studied case allows one to observe how, during the first fifty years of independent life, the design of development plans was marked by the impression of improvisation. The reliability of the available information differed for qualitative and quantitative reasons. Additionally, the processing of these lacked technical criteria and in sum led to mechanically linking them with the general postulates of liberalism in order to justify the project.

The lack of reliability of the data is due to the manner in which they were collected. During those years offices specialized in those tasks did not exist, and the information used for the plans came from a pre-scientific perception of certain needs acquired by the fractions that the economic and political hegemony of the society disputed. These perceptions arose from the experience acquired in the social production by each group, and therefore reflected very specific interests. Due to these characteristics, the information was fragmentary, intuitive and aimed at the subjective ends of its producers, making it very difficult to conduct an objective fact-based study.

To achieve these purposes was to legitimize the proposal through the mechanical application of the doctrinaire principles of liberalism to the facts. In this way, as these principles were the philosophical source of the juridical-political order in effect, they justified the project on the basis of the principle of the common good, or, on the basis of the ends

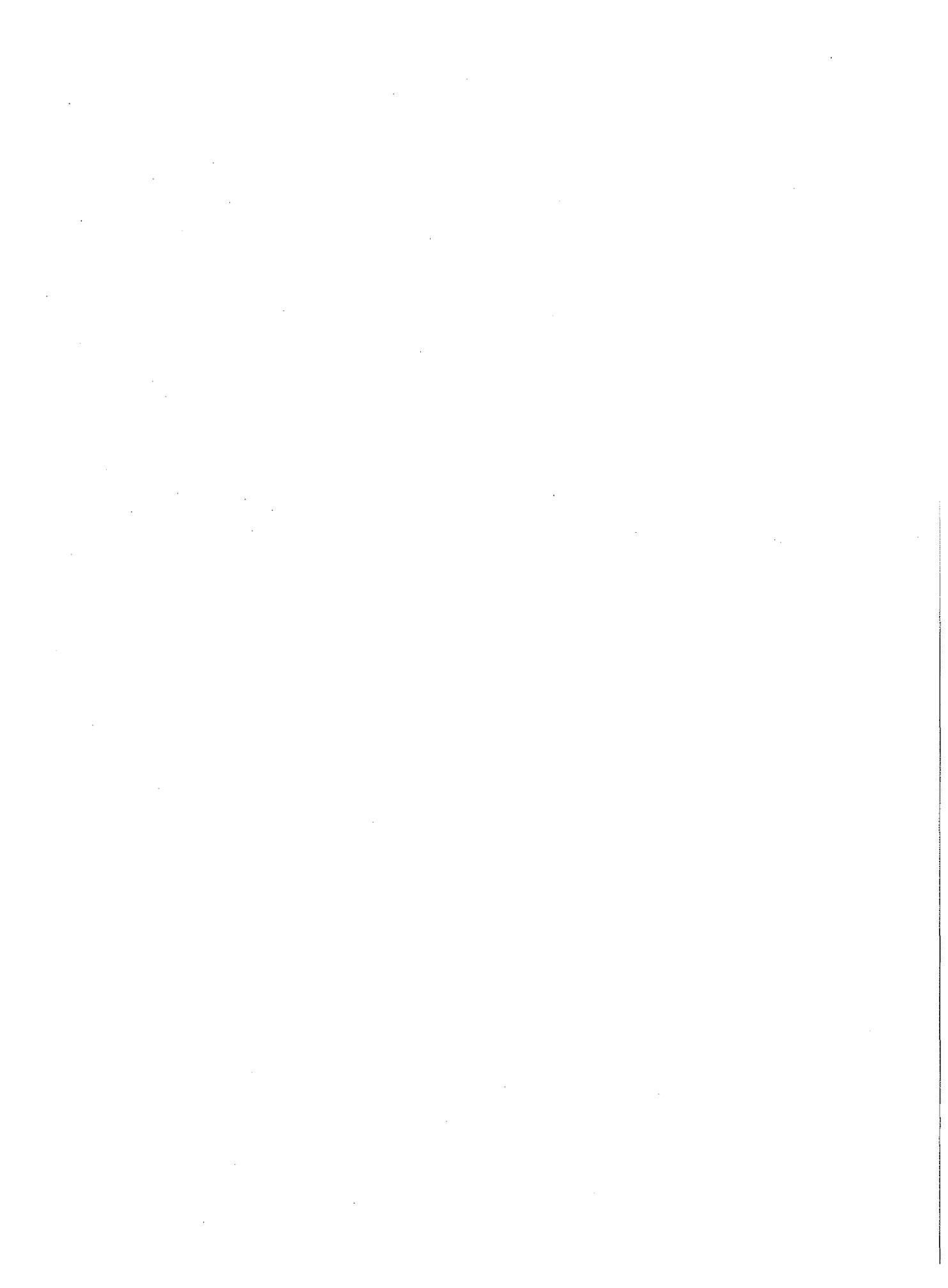
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ANNEX 30

**Houk, Richard J. "The Development of Foreign Trade and
Communication in Costa Rica to the Construction of the
First Railway,"**

(The Americas, Vol. 10, No. 2, 1953, Oct., pp. 197-209.)



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THE DEVELOPMENT OF FOREIGN TRADE AND
COMMUNICATION IN COSTA RICA TO THE CONSTRUCTION OF
THE FIRST RAILWAY

THE COLONIAL PERIOD (1563-1821)

THE POOREST, THE MOST ABANDONED, the most isolated of the Spanish possessions in North America was the province of Costa Rica. Despite valiant efforts made by the royal governors to build roads and to stimulate the production of items for export, the colonial history of the nation indicates a vegetating and unstimulated economy. The smallest settlements made by the Spaniards were scattered throughout the country, and the greatest concentration of population was in the fertile Meseta Central, which had no easy access to the sea. All of the early settlers were "miserably poor with no prospect of finding mines to bring them quick wealth, no export crop in demand in world markets, and no means of bringing such a crop to the coast had it existed."¹

(...)

¹ Chester Lloyd Jones, "Costa Rica and Civilization in the Caribbean," University of Wisconsin Studies in the Social Sciences and History, Number 23, p. 21.

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(...)

The high prices of the Spanish imports and the lack of corresponding exports gave rise to a contraband trade with the English, once the latter had abandoned their destructive forays upon the cacao areas and the Atlantic coastal settlements. During June and December, when the fruit of the cacao tree was being harvested, the owners of the coastal plantations would come down from their homes in the interior ostensibly to direct these operations but chiefly to engage in contraband commerce. Tortoise shell, dyewood and sarsaparilla were exchanged for British merchandise. These transactions were neither regular nor of great financial value, but the authorities in Madrid brought about its eradication.

(...)

² Rodrigo Facio, *Estudio Sobre Economia Costarricense* (San Jose, 1942), pp. 12-13.

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(...)

In spite of these efforts Costa Rica ended its history as a province of the great Spanish Empire in 1821 a poverty-stricken nation, almost wholly without roads and schools, without a printing press, without any governmental funds and without any foreign commerce save for the small exchanges made by overland routes with its neighbors, Panama and Nicaragua. Its small population, the difficulty of communications, and the depredations of the Mosquito Indians and the European "pirates" were the causes which retarded its progress and kept it practically isolated from the markets and progressive ideas of Europe and America.

The results of this isolation are well described by John Hale, an Englishman who visited the republic in 1826.

The little commercial exchange which this province has had with other parts of the world is revealed by the following: the scales are made of coarsely carved wood, while the weights are rocks that are picked up from the street and tested in some store. The people look upon foreign products as miraculous articles; not even the wheelbarrow has been imported here; they have no ideas of the cooper's products; they do not use the spinning wheel, and the machines for sowing cotton and cleaning coffee would be a novelty. In the whole province I have not seen a single tub. In short, there are hundreds of modern inventions and articles of daily use of which they are absolutely ignorant. . . . The few craftsmen found in Costa Rica have to use the most roughly made tools, and it is surprising that they can use such inconvenient implements. In order to make a table they have to use a whole tree. . . . A saw mill would be a thousand per cent benefit! The doors and window frames have never been painted because in all the country there is no paint, no turpentine, no oil. . . . It is true that because the citizenry feel the greatest desire for progress

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(...)

INDEPENDENCE TO THE CONSTRUCTION OF THE FIRST
RAILROAD
(1821-1870)

Once the province had become an independent republic and free from the imposition of fiscal and political economic controls foreign to the national need, Costa Rica began to augment its incipient foreign trade. Wheat was the principal export, but neither was the quantity sufficient nor the prices such as to accelerate its production. The same was true of brazilwood and mineral products. Unconsciously setting the stage for the impending development of the coffee industry in Costa Rica, the early governments proclaimed all manner of decrees favorable to the development of foreign and domestic commerce. Free trade with all friendly nations, the rehabilitation of the seaports of Matina and Puntarenas and the development of a system of roads linking the principal centers of the Meseta Central with the aforementioned ports were a few of the wise measures adopted.

The credit for the initial propagation of coffee in Costa Rica is divided between the Spanish governor Tomas de Acosta and the Franciscan Padre Felix Velarde. The plant is known to have existed in Costa Rica in 1804, and in 1811 Padre Velarde had planted his land near San Jose in coffee trees. His faith in the future development of the coffee industry inspired many of his neighbors to follow his example, and by 1821 over 17,000 coffee trees had been planted in the distant valley of Matina. In that year the town council of San Jose, after having made a free distribution of coffee seedlings to the poorer citizens, made an extensive distribution of unsettled lands to those who lacked the proper lands for coffee cultivation and thus initiated a new and prosperous phase in the economy of the republic.⁸ Ten years later it declared that those who would cultivate other public lands in coffee for five years could declare them private

⁶ John Hale, "Seis Meses de Residencia y Viajes en Centro America, Etc.," in Ricardo Fernandez Guardia, *Costa Rica en el Siglo XIX* (San Jose, 1929), pp. 27-28.

⁷ Facio, *op. cit.*, p. 23.

⁸ Alberto Quijano Quesada, *Costa Rica Ayer y Hoy* (San Jose, 1939), p. 453.

property. The following year the town council of Cartago was moved to similar action.⁹

The first recorded exports of coffee were in 1820, when two shipments of one quintal each were made via Puntarenas to Panama. The first commercial shipments of any value were made in 1832 by George Steipel, a German merchant established in Puntarenas who sent some 50,000 pounds to Valparaiso, Chile. This traffic to Chile for transshipment to European markets rapidly increased within a few years and by 1841 approached 90,000 pounds.¹⁰

Fortunately for Costa Rica, the head of the government during much of this critical period was Braulio Carillo, a farsighted man who did not hesitate to use dictatorial methods if he believed them necessary for the national welfare. He made two forced loans of 15,000 pesos each to finance the construction of a new route to Matina and also rehabilitated the ports for increased foreign commerce. He announced an export tax on each quintal of coffee to be used for the upkeep of the roads and granted public lands along the trails to Matina, Terraba and Sarapiquí to those who would plant them in coffee, cacao, indigo, cotton or pasture. He also granted various lands in the provinces of San Jose and Cartago, especially in the Pavas district, to those who would plant them in coffee.

The progress of the coffee industry in Costa Rica became known to an English merchant-ship captain, William Le Lacheur, who visited the nation in 1844-1845. He became convinced that the establishment of direct service from Puntarenas to Great Britain would be economically profitable and inaugurated such a line after a conference with leading coffee producers in San Jose. They authorized him to invest their share of the profits in merchandise to be purchased in England and brought on the return trip for sale in the republic. Great Britain became almost the exclusive market for Costa Rican coffee; and practically all of the foreign trade was carried on in English ships until 1849, when the Panama Mail Line established service between Puntarenas and California.

The road to Matina had been open since colonial days, but there were no bridges nor other means of crossing the torrential rivers flowing down into the Atlantic or of traversing the extensive swamps along the Caribbean coast. The 180-mile trip between San Jose and

⁹ *Ibid.*, p. 454.

¹⁰ Facio, *op. cit.*, p. 23.

the Atlantic took thirty days and utilized several methods of transport. First, one went by cart to Cartago and then on horseback to Matina. From there to the mouth of the Matina River rude rafts of balsa transported freight and passengers. The last stage of the journey to the roadstead of Moin was made by mule. The transport cost alone of a hundred pounds of merchandise over this route was not less than six pesos and double that amount for passengers.¹¹

The heavy rainfall of this northeastern coast made the climate so unhealthy that it was practically impossible to induce Costa Ricans either to perform the labor necessary to create a thru road to the coast or to settle in areas suitable for ports on the Atlantic. The average length of the voyage from the Pacific coast to the European market was at least five months via Cape Horn, while from Matina the time was generally six weeks and the freight charges but thirty or forty shillings per ton instead of five pounds! Even after 1855, when the exports were transshipped over the Panama Railway to the Atlantic, the delay and freight rates were alarming. The good port of San Juan in Nicaragua was even closer to San Jose than either Matina or Puntarenas, and the trip from there to Europe in 1844 did not exceed forty or fifty days by sailing ship or twenty by steamship. For a time it seemed that the British government might take possession of that port in virtue of its many reclamations in favor of the Mosquito Indians. Had this occurred, it might have become the only port used by Costa Rica, for its favorable location and more healthful climate made it far more advantageous than either Matina or Puntarenas.

The almost complete lack of traffic over this route was well described by the French minister, Felix Belly, who landed at the Costa Rican river port of Sarapiquí in 1858.¹² From San Jose to this port was a journey of thirty-six miles, which had to be covered partly by mule and partly by rude canoes. M. Belly found the sole official was a captain of the port. He had neither a soldier nor a subaltern. He lived in a house without furniture, only half enclosed with canes, and he slept in the attic. This official estimated the weight of goods entering annually at one hundred tons. As it was not a customs port, he issued passes for goods, and the duties on them were paid upon their arrival in San Jose. The capital was reached

¹¹ Soley Guell, *op. cit.*, p. 45.

¹² *Ibid.*, p. 45.

only after a long and arduous journey, for the road had to be opened with a machete.

Turned back from the most logical routes to their markets by a combination of climatic, physiographic and political obstacles which they were not yet strong enough to surmount, the coffee planters of the plateau were forced to ship their coffee from the less advantageous but more hospitable Pacific coast. The overland route to the entrep& of Panama had lost its utility because of the diminution of the export of mules and the disappearance of the exchange of Central American products for European merchandise at that market city. When the establishment of regular service between Costa Rica and other nations bordering on the Pacific was attempted, the successive governments of the republic did their best to expedite the export of coffee.

The first choice of a seaport on the Pacific was Caldera, a little creek bed almost due east from the tip of the Nicoya Peninsula. It was not a wise selection as the following description of an event that occurred in 1840 shows:

On the beach there was a long low house with a tiled roof and mounted on piles; near it were three or four huts and two canoes. We anchored in front of the houses, apparently without being noticed by a living soul. In the afternoon, the captain of the port took me to shore. In the first house we saw two candles burning before the body of a man. Everyone that we met was sick with fever and complained that the place was almost deserted; and notwithstanding its advantages as a port, a few days later the government ordered it abandoned and the port to be established again in Puntarenas.¹³

The old port of Puntarenas was located on a long sandy peninsula north of the creek bed, or Caldera. Once the rehabilitation of the port had begun, a cart road was constructed to connect it with the coffee regions of the interior. It was no easy thing to connect that tongue of sand with the Central Plateau, for the road had to pass over Mt. Aguacate (2,000 meters high) on its 130-mile length. In 1857 M. Belly declared:

For twenty years they have been working on this [road] ; they are still

working on it under the direction of the German engineer in charge of public works and the road service since 1843. There has

¹³ John L. Stephens, "Incidentes de Viaje en Centro America," in Fernandez Guardia, *op. cit.*, p. 44.

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resulted a road primarily connecting the various towns, macadamized in part, and the "Royal Road" of the travelers and the carts.¹⁴

The upkeep of this road was based on an annual budget of 20,000 pesos. There was an export duty of one real on each hundred pounds of coffee which provided this income, and there were several private donations towards the construction and upkeep of the road made by interested coffee producers.

Year	Amount of Coffee Exported from Costa Rica
1832	50,000 lbs.*
1845	5,000,000 lbs.*
1853	8,000,000 lbs.*
1855	7,170,615 lbs.
1859	10,011,695 lbs.
1865	13,652,437 lbs.
1868	20,693,899 lbs.
1872	25,479,665 lbs.

TABLE I. Coffee Exports from Costa Rica, 1832-1872

These figures are from Rodrigo Facio, *Estudio Sobre Economia Costarricense* (San Jose, 1942), pp. 23 and 25; and Ephraim Squier, "Los Estados de Centro America," in *Costa Rica en el Siglo X/X*, by Ricardo Fernandez Guardia (San Jose, 1929), p. 243. The asterisk (*) denotes an estimate.

Once coffee production had received the stimulus of direct export service to Great Britain, coffee plantings increased tremendously and exports zoomed to new heights each year. (See Table I.) Despite the political unrest of 1848 and the consequent displacement of the European market, despite the internal political struggles which occurred in Costa

Rica centering on the schemes of Morazin, despite the effects of the War against the Filibusters upon Costa Rica at this period, more and more coffee was sent to the foreign market. The constant struggle against unadvantageous routes of communication had removed practically every other product from the export trade. Even coffee, a crop which was of high value and could be easily transported without undue deterioration, had a bitter struggle in achieving commercial success because of the long and costly voyage around Cape Horn. Most of the other articles of national production either were limited by a fiscal monopoly, such as alcohol and tobacco, or could not secure in the world market a price neces-

¹⁴ Felix Belly, "Atraves de la America Central," in Fernandez Guardia, *op. cit.*, p. 483.

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sary to cover the high costs of transportation. The predominance of coffee in the Costa Rican exports as early as 1852 can be seen from Table II.

<i>Export</i>	1852 <i>Value</i>	<i>Export</i>	1853 <i>Value</i>
Coffee	\$609,984	Coffee	\$720,000
Sugar	20,000	All others	45,000
Hides	6,250		
Tortoise shell ...	3,200		
Sarsaparilla ...	3,200		
Foodstuffs	10,000		
	<hr/>	TOTAL VALUE	<hr/> \$765,000
TOTAL			
VALUE	\$652,634		

TABLE II. Costa Rican Exports in 1852 and 1853

These figures are based on Ephraim Squier, "Los Estados de Centro America," in *Costa Rica en el Siglo XIX*, by Ricardo Fernandez Guardia (San Jose, 1929), pp. 242-244.

The price of coffee during the months of February, March and April (the period following the harvest) was eight or nine cents per pound delivered to the Pacific coast. The cost of production once the coffee *finca*

had become established (usually three years after the planting of the coffee trees) was from two and one-half to three cents per pound. The cost of transporting the coffee by oxcart to Puntarenas was generally one and one-half to two cents per pound; the carts generally took from four to five days to go down to the port and five to six days to return, depending upon the season. Then there was the export tax of one real per hundred pounds which was used for the upkeep of the cart road to the port. Thus the speculators gained about twenty per cent buying and sending the coffee to the port at their own risk. Often they exchanged the cash profit for manufactured goods or sold the bags in advance, receiving payment half in money and the remainder in imported goods that they could sell in the interior. In the world market Costa Rican coffee was considered inferior only to the best product of the Orient; and in the English market, to which most of it was sent, it realized twenty-two cents per pound.

The coffee was hauled down from the *fincas* of the Meseta Central to the waterfront of Puntarenas loaded into rudimentary oxcarts, which were mounted over two solid wooden wheels hewn from a

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single piece of the trunk of a cedar, and were pulled by one or two yokes of oxen. The famous English novelist Anthony Trollope traveled over the cart road in 1859 and was much impressed by the constant traffic.

I believe that I can give the name of highway to it because the products of the country are carried out for export by oxcarts over this route. However, it is appropriate only for vehicles with solid wooden wheels adequate for the slow and patient speed of the oxen. But during the morning and the afternoon, the rows of carts were incessant. They travel from 4 o'clock in the morning until 10; then they rest until 3 or 4 in the afternoon and again continue their journey for 4 or 5 hours more by taking advantage of the freshness of the late afternoon. All of them are filled with coffee, and give one the idea that the production of that article in Costa Rica must be sufficient to supply the whole world. . . . Neither the men nor the animals grumble as they would do in England, nor do they quarrel over the use of the water nor do they complain of their own bad luck and the good fortune of their neighbor. Drivers and oxen are equally orderly, patient and slow. They spend their lives taking

coffee to Puntarenas and chewing thousands of sugarcanes!¹⁵

In 1857 Astaburuaga, the Chilean minister to Central America, counted 700 cartloads of coffee and other commercial merchandise on a day's journey over the highway from the capital down to Puntarenas; and it was said that there were from 8,000 to 10,000 of these oxcarts in the republic.¹⁶

Although Puntarenas had become practically the sole center of contact between Costa Rica and the outside world, the port itself was far from impressive. In 1853 it was thus described by a commercial traveler from Hamburg:

The aspect which the settlement presents is decrepit enough; and if you except the few large wooden houses situated on the other side of the tongue of sand and look at the huts made of reeds and palms in which the natives live next to the beach, you will believe that you have stopped at a settlement of Indians. Nevertheless a very picturesque wooden light-house, whose lamp was not lit at our arrival because of a lack of oil . . . showed that this was the port of the republic. The city has 1,200 inhabitants and consists of a principal long street, on which are located the commercial establishments, and

¹⁵ Anthony Trollope, "Las Indias Occidentales y el Continente Espanol," in Fernandez Guardia, *op. cit.*, p. 405.

¹⁶ Francisco Solano Astaburuaga, "Repúblicas de Centro America," in Fernandez Guardia, *op. cit.*, p. 259.

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others of secondary importance, on which are located the homes of the citizens. . . . Notwithstanding the fact that Puntarenas is a free port [until 1860], no one is permitted to bring in without governmental permission either tobacco, munitions or liquors. These articles have to pay duty and are deposited in the customhouse. The impression which the little city finally produces is very agreeable. It has some resemblance to the incipient colonies in the United States. . . .

Puntarenas itself is no wider than a third of a mile. The ships drop

anchor in a roadstead that is entirely safe, and I have never heard of any misfortune caused by a shipwreck. Even when there is a violent "norther", the only destructive wind encountered here, a ship which became unanchored would only be blown out to sea. On the other hand disembarcation is both difficult and costly. The commercial buildings are all on the main street, on the shore of the narrow arm of the sea which bounds the peninsula on the north. In order to reach the point (the tip of the peninsula) and to go toward the anchored ships, it is often necessary to sail a mile, which can be done only in time of high tide . . . and this takes so much time that under such conditions and having to go according to the tide, it is rare that a launch can go and return more than once a day. These launches have a cubic capacity sufficient to carry 100 to 120 sacks of coffee (from 5 to 8 tons); and a trip costs, depending upon the size of the cargo, from 10 to 20 pesos. These put into the Estero (protected harbor) and then some sunburned, herculean lads take the merchandise to the business houses, walking over the deep sand. . . . The muscular strength of the carriers is enormous. One of these men carries, for example, two sacks of coffee of 125 Spanish pounds each from the depository to the launch without stopping and does this for many hours under a temperature of more than 100° F. . . . No responsibility is assumed for the damage which may be caused by the sea water to the goods."

Despite such unfavorable conditions, Puntarenas became an important shipping center and was visited by ships of all nations. When Marr visited it in 1853, he counted twenty ships anchored in the bay." In 1855 the commercial activity of Puntarenas was as follows: ships entering: 85; ships leaving: 67; total tonnage: 25,000 tons; crewmen: 1,226; passengers registering at the port: 600, practically all proceeding from Panama and bound for ports in Central America. The country of ownership and the tonnage from the three leading countries using the port of Puntarenas in 1850 were: Great Britain, with 20 ships of 4,775 tons; the United States, with 13 ships of

¹⁷ Wilhelm Marr, "Viaje a Centro America," in Ferithidez Guardia, *op. cit.*, pp. 112-115.

¹⁸ *Ibid.*, p. 112.

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3,163 tons; and Denmark, with 7 ships of 1,271 tons.¹⁹ Puntarenas had finally come into its own.

THE PREVIEW OF A RAILROAD: THE BURROCARRIL

With the advent of economic prosperity for Costa Rica and the commercial development of the great coffee marketing centers of the Meseta Central as well as the seaport of Puntarenas, there came stronger demands for a shorter and quicker line of communication linking the two areas. Naturally the Costa Rican government hoped to see a railroad built to link the two regions, and in 1857 President Mora granted the concession for the construction of such a railroad to an English company headed by Richard Farrer.²⁰ At that time along the west coast of America there existed only the eighteen-mile stretch of railroad between Lima and Callao. The company expended some 70,000 dollars on the line and advanced it nine miles beyond Puntarenas toward Esparta, but the ascension of the mountains of Aguacate presented invincible obstacles.

This "preview of a railroad" existed for only a few years because it had no financial income to support its existence and operation. The cart drivers from the interior asked no more to carry a load of coffee to the port itself than to the end of the tramway which was nearest the national road. M. Belly declared:

There is nothing more modest or more primitive than the installation of this route. There are neither terminal stations nor intermediate stations nor special employees. A track 2 meters wide and 3 meters long is open through the forest, 2 rails placed over tree trunks without any planing, some little wooden bridges whose planks are not adjusted properly, and a half-dozen omnibus coaches provided only with benches and a roof of varnished wood. The requirements of the service do not require a locomotive, because this piece of track without an outlet cannot count upon a great circulation of travellers. Besides the exploitation of the forest resources which is carried on by means of it, the line is used only for trains of excursionists and hunters. Without getting off of the coach, you can shoot deer ²¹

This tramway or railroad with mule power was popularly called the "burrocarril" in honor of the mules that pulled the cars through the forest at the rate of two miles per hour.

¹⁹ Squier, *op. cit.*, p. 234.

²⁰ Quijano Quesada, *op. cit.*, p. 581.

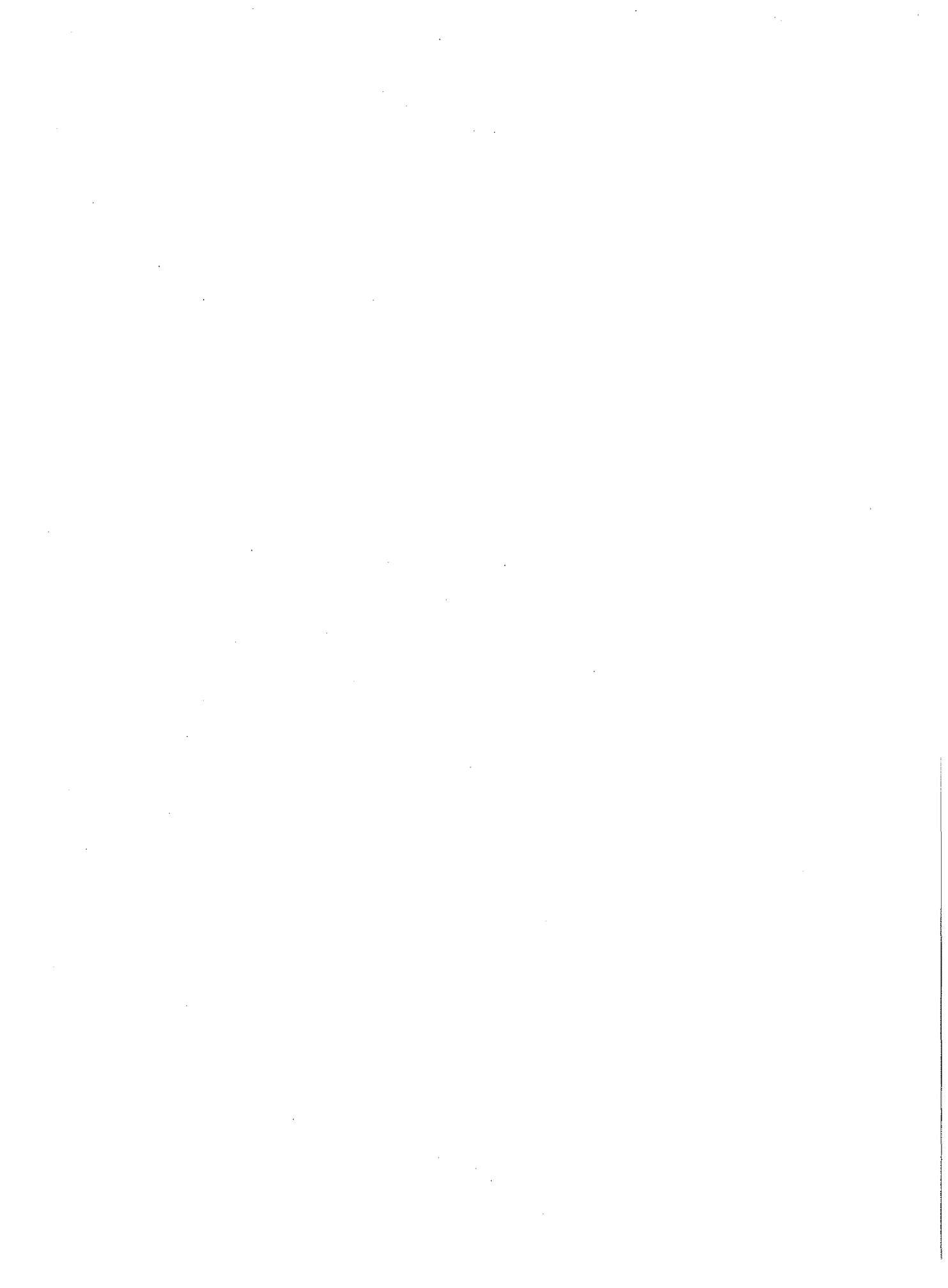
²¹ Belly, *op. cit.*, pp. 471-472.

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The existence of this tramway encouraged the proponents of a railroad from the interior to the coast to redouble their efforts. The early failure of the "burrocarril" served only to clarify the many financial and physiographic problems which the proposed line would have to solve and thus rendered a more valuable service than its disillusioned English investors suspected. A new era in the development of transportation and communication facilities in Costa Rica was at hand.

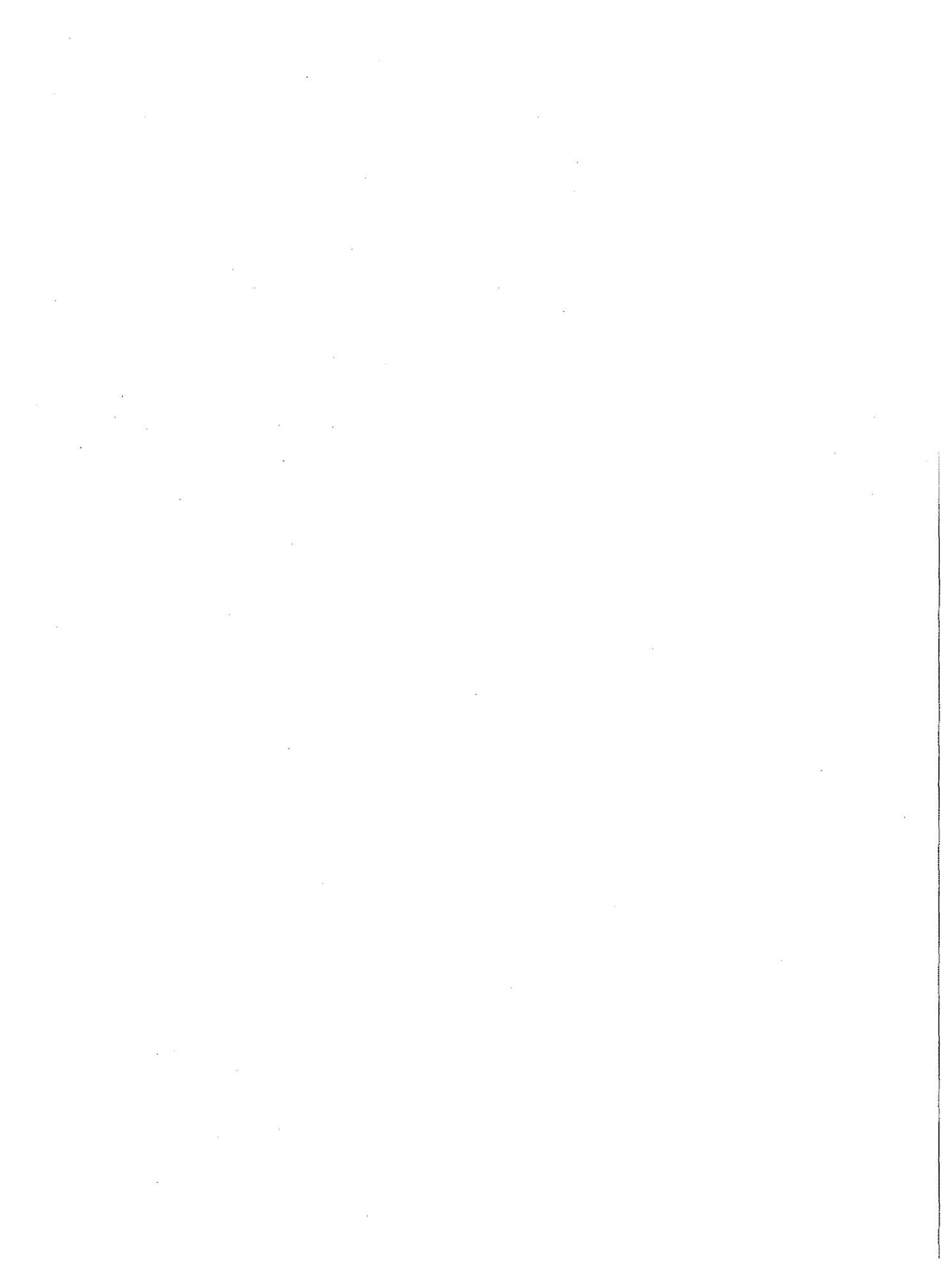
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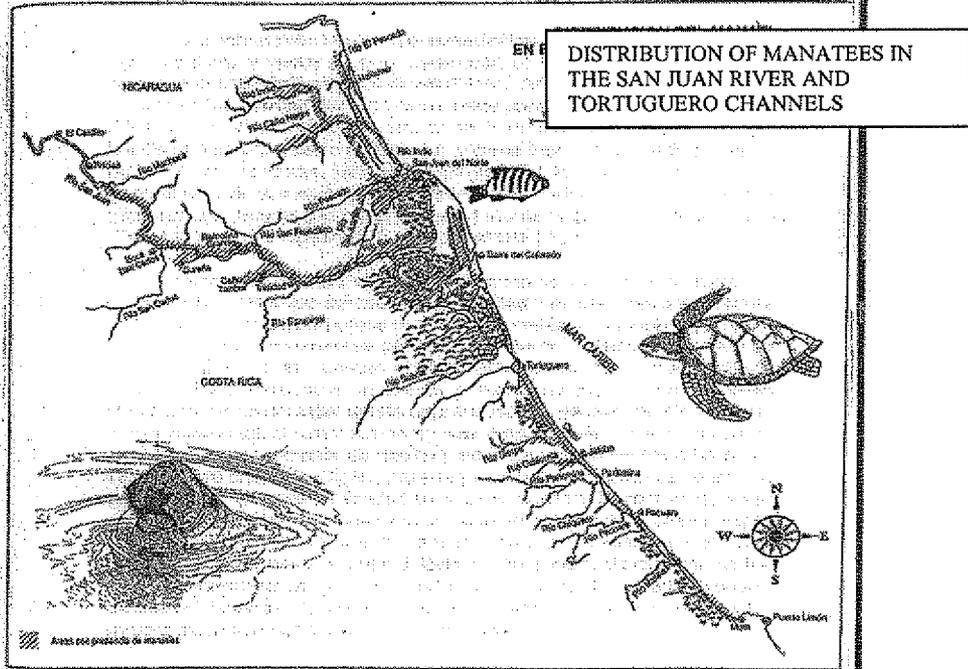


ANNEX 31

Jiménez Pérez, Ignacio. The Manatees of the San Juan River and Tortuguero Channels: Ecology and Conversation. Managua: ARAUCARIA-MARENA-AECI, 2003. [Extracts].



Manatees of the San Juan River and Tortuguero Channels



manatees under 60 years of age, which means there is no interest among youth to learn such a difficult and risky technique, finding easier ways to make a living through ecotourism, fishing or drug trafficking. Although manatee hunting has practically been abandoned, in 1996 there remained one active hunter of these animals in the community of Barra de Colorado. It is not known how many animals this hunter killed, although the number certainly did not exceed two per year. It is also not known whether the hunter currently remains active.

Local inhabitants are aware that manatee hunting is prohibited, and several insisted that one "goes straight to jail" if found hunting a manatee. In addition to this reason, hunting has been abandoned to a great extent because of its difficulty: it takes extreme skill to harpoon the animal, which is unfriendly and has a fine sense of hearing, and whose enormous strength may put the hunter at risk. One of the informants summarized this general idea by stating that manatee hunting is not worthwhile because it is much more complicated than hunting land animals (*i.e.* white-lipped peccary (*Tayassu pecari*) or paca (*Agouti paca*)).

The hunting technique used in the zone coincides with that used by the Miskito Indians of northern Nicaragua and is similar to the techniques used in most countries where the species is found.¹ A majority of the expert hunters in the zone were born in Nicaragua and are Miskito, although more hunting possibly took place in Costa Rica. To hunt a manatee, it is first necessary to wait for several days near the site where it leaves traces of its feeding. According to several hunters, the best time to hunt is during the night of a full moon, especially in March and April. The wait typically takes place within a light canoe, and the basic hunting team includes two people: an oarsman/helmsman at the back of the boat and a harpooner at the prow. As the hunters wait or approach the hunting ground, they must row in a special manner so as not to produce any noise in the water that startle the animal. This is so important that one of the best hunters in the region used special oars (locally called *canaletes*) with knife-like edges to minimize disturbance in the water.

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ANNEX 32

**Jiménez Oreamuno, Ricardo. *His Thoughts*. San José:
Editorial Costa Rica, 1980. [Extracts]**



...“Costa Rica and not Nicaragua could have complained about that delay” and when the forty days expired, he [Mr. Rives] could have declared the negotiations concluded and broken, even though he was not obligated to do so. He thought it was more opportune to extend the period of forty days in favor of Nicaragua and by so doing was fully complying with the law. Having given his approval to Nicaragua, he cannot retract because Costa Rica did not make use of a right, the exercise of which was exclusive for her. In all due justice, Mr. Rives concludes by declaring this last argument of Nicaragua unsustainable just like the previous ones.

The published part of Mr. Rives's report ends here. It can be assumed that the wisdom and good judgment that stand out in that part are also equally present in the rest of the report. The just arbitral decision regarding all the other secondary questions discussed makes us infer that. “*Las Novedades*” of New York criticizes the award because it does not give us the right to navigate in the San Juan with vessels of war. The criticism, I would say, is unfounded. The emphasis with which article 6 of the treaty consigns that Nicaragua shall have the *exclusive dominion and sovereignty* [original Spanish: *dominio y sumo imperio*] over the waters of the river manifests a desire to establish a difference between the rights that were agreed that Nicaragua and Costa Rica would have in those waters. Now, if merchant ships and vessels of war of both Republics navigate freely and indistinctly on the river; where is it manifested, what practical effect does the solemn declaration have that the dominion and sovereignty over the waters correspond to Nicaragua? The rest of that article corroborates this meaning. It was considered that that absolute affirmation would take away from Costa Rica all use, all enjoyment of the river, and as that was not the intention, the exception was put immediately thereafter, which stipulated that Costa Rica would have in said waters perpetual rights of free navigation, with “objects of trade”. If the exception does not also appear in the article in favor of vessels of war, the inference is logical: it was not thought that Costa Rica had that right. The argument that is gleaned from article 4, regarding the obligation that Costa Rica has to contribute to the defense of the river in case of foreign aggression, was perceived as much less than conclusive. Costa Rica shall contribute to that defense when the foreseen hypothesis occurs. In the meantime, in time of peace, without the most remote risk of hostilities, to pretend that our vessels of war navigate to contribute to a defense that no attack provokes is to get to the subtleness with which the Nicaraguans examined the treaty. Costa Rica, by virtue of article 4, was obligated to

defend the San Juan as an ally of Nicaragua; and, when has it been seen that an ally, by being an ally, pretends to have the right, without there being a war, to transit with troops through the allied territory, navigate its internal waters with vessels of war or station fleets in its ports?

ANNEX 33

León Sáenz, Jorge. *The Evolution of Foreign Trade and Maritime Transport of Costa Rica: 1821-1900*, San José: Editorial de la Universidad de Costa Rica, 1997. [Extracts]

GENERAL FRAMEWORK

The growth of the Costa Rican economy has depended, historically, on its link with the world market, since its reduced size has not allowed for autonomous development. During the colonial era, Costa Rica was considered one of the poorest Spanish possessions. But soon after its independence from Spain, the country took advantage of the greater opening of world markets in the early nineteenth century to notably increase its foreign trade, resulting in a very significant improvement in the country's economic situation. This improvement enabled Costa Rica to achieve, by the end of the century, development that was relatively superior to that of the rest of Central America.

The objective of this work is to demonstrate the main characteristics of the growth in Costa Rica's foreign trade from 1821 to 1900, as well as to identify the main internal and external factors that enabled the country to insert itself so effectively into the global markets of the day.

The dynamism of foreign trade during the nineteenth century can be explained in terms of the following factors: expanding markets for national products—primarily coffee; fortunate political decisions with respect to export promotion; development of an active business class of producers / merchants / shippers; and changes in transportation technology that made it possible for the country to compete with its products in external markets.

The following chapters provide a description of the origins and development of foreign trade from 1821 to 1900, focusing on each of the factors mentioned above. The limitation of the period follows the fact that the most important changes in trade began to occur as of 1821, with independence from Spain, which allowed for the introduction of free trade policies.

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of these ports, there is much information, probably due to the increase in trade during this time.¹ With respect to the Caribbean ports, we can affirm that contraband prevailed, providing much work to the government officials committed to controlling such activities. For this reason, there are

only very partial registries of the marine traffic implemented through these ports.

The final section will deal with the beginnings of the coffee trade. In the first years of the 1830s, a modest exchange of coffee began with Chile, the country toward which incipient trade had been directed as of the mid 1820s. Subsequently, direct exchange with European markets began and, later, with the United States. This trade was the origin of national economic development in the last century and, to this day, continues to have a significant influence on the country's prosperity.

1. FOREIGN TRADE IN THE ERA OF INDEPENDENCE

Tobacco and trade with Central America: In order to obtain an exportable product that would later make it possible to acquire manufactured and other goods that the country required but could not yet produce, during the colonial era efforts were made to cultivate important export products. The first attempts, initiated in the late seventeenth century, focused on cacao from Matina, which effectively constituted — together with tallow, hides, provisions and mules— a source that enabled the country to cover, although poorly, its needs to import goods and products. The importance of cacao was even demonstrated by the fact that its seeds were used as a substitute for silver money, which was in short supply in Costa Rica. However, and in spite of the recognized quality of cacao from Matina, production dropped dramatically toward the end of the eighteenth century, and it became necessary to seek a better alternative. This was the cultivation of tobacco.

Tobacco consumption was on the rise during the colonial era, both within and beyond Central America. At this time, significant quantities of tobacco were produced in Iztepeque (El Salvador) and other areas. However, in 1780 the Spanish government decided to concede a monopoly over production within the Captaincy of Guatemala to Costa Rica, as a means to activate the economy of this province, which was considered to be lagging very far behind. This support served to extend crops to new zones, especially toward the western part of the Central Valley, where San José and Heredia became the main production centers. In addition, the Tobacco Factory was established in the former zone, responsible for regulating

the crop and preparing and distributing cured tobacco. The incorporation of more than a thousand farmers in the production of a marketable crop had an important effect on the country's economy. In effect, tobacco became the main export product and, more importantly, the mechanism required to monetize the economy, because the Tobacco Factory paid in silver coin. Even after the monopoly over exportation to the Captaincy was lifted, tobacco remained the principal product exported to Central America, given that the other exports of this era were sent mainly to Panama and the Viceroyalty of Peru.

Tobacco was exported under the strict control of an official monopoly, exercised in Costa Rica by the Factory of San José. This monopoly acted as a strong economic power in Central America; it was the main source of income of the Government of the Captaincy General of Guatemala, as it was in other colonial governments of America. As a monopoly of the kingdom, it established who could cultivate and even planned the number of plants that were to be sown. The declaration of a monopoly over production in Central America in favor of Costa Rica initially made it possible to incorporate close to a thousand producers (from a total population that in 1780 must not have exceeded 50,000) into production of the crop, even though in later years, after the monopoly was lifted, only a few hundred of these producers remained.² The producers were strictly controlled in order to prevent tobacco contraband, but documents from the era include much evidence that this illegal trade took place, at least within the country. In any case, tobacco served to generate incomes that increased the trade with Central America and then, in the latter decades of the colonial era, even became a product exported to Panama.

The Factory performed another very important role, facilitating financing for foreign trade with the rest of the Captaincy General. Because the Factory was part of an administrative system that covered the entire kingdom, along with all of the kingdom's factories or branches, it could issue and receive orders of payment in favor or against the others. Traders from one of the states could use this system to make payments or charge for the products sent to another state. There was also the great advantage that the trader did not have to travel physically to make payments, or take long and dangerous trips over poor roads. By means of the Factory, after depositing the corresponding amount the trader obtained an order of

payment issued in his name (or that of the other trader who was to receive it). This order could be converted to cash in another factory of the kingdom.³

The tobacco trade also encouraged the development of maritime transport. Initially, most of the tobacco, the most important market of which

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The fall of the Spanish Empire, beginning in 1810 in South America, favored the large-scale penetration of British trade and, to a lesser extent, that from the United States. This first occurred in that part of the continent and then progressively extended to Central America. In this way, the need to rely on contraband became much less important for foreign merchants, replaced by legitimate trade as the new republic opened its ports to free trade. Nevertheless, as will be seen below, contraband continued to exist during the republic, due to internal economic conditions that favored it.

2. TRADE EXPANSION IN THE 1820s AND 1830s

Socioeconomic Situation at the Start of the Period of Independence

As mentioned above, the situation of conflict during the wars of independence depressed foreign trade in the country, which began to rebound only in 1825. In Costa Rica's case, although it tried to avoid the fratricidal struggles that occurred in the rest of Central America, the country also had serious internal conflicts that affected national development. The first of these was in 1823, brought about by different positions adopted by the cities and main villas with respect to Mexico's imperial impositions under Iturbide, who sought to annex Central America to that nation, by force if necessary. Fortunately, after a brief internal armed confrontation, the crisis was resolved due to Iturbide's fall and the retreat of the Mexican troops that had occupied Guatemala.

Following this episode was a period of some twelve years of relative stability, allowing the country to reestablish the tobacco trade - its main source of income - had been virtually paralyzed in 1822 and 1823

because political problems in Nicaragua and other states had prevented these countries from paying Costa Rica for the tobacco sent since 1821. At the same time, efforts to diversify production continued; these efforts had been initiated during the colonial period through the promotion of sugarcane and coffee cultivation and the production of salted beef and tallow. Added to these activities was the extraction of brazilwood, gold and silver.

In order to isolate itself from the region's conflicts, Costa Rica had declared partial sovereignty between 1829 and 1831 through application of the so-called Aprilia Law. In the latter year, however, the country again joined the Federal Republic of Central America. The final years of the period that we are studying were more turbulent for the country. A new internal armed conflict occurred in 1835 with the annulment of the law that mandated the rotation of the National

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capital between the four main cities. This deed gave rise to the brief War of the League, which confirmed San José's status as the national capital.

As of 1835, with Braulio Carrillo as Head of State, important economic reforms were introduced, that resulted in increased dynamism of the economy. Among the most important contributions in this field were the issuance of the Law of Bases and Guarantees and the codification of laws, which until then had been based on colonial laws. In the economic arena, the Regulations of the Public Treasury were issued, and the tobacco and liquor monopolies (the main pillars of the public treasury) were reformed. In addition, through an agreement with the English Government, Carrillo was able to cancel Costa Rica's portion of the Central American foreign debt, significantly reducing the problem of claims regarding arrears in debt payment, which continued affecting the other states.¹⁶ In order to stimulate trade, the first Code of Commerce and the new Customs Duty, approved in 1839, were both of great importance.¹⁷

The period of the two decades after independence closed with a new armed conflict. This arose with Costa Rica's separation from the Federal Republic and the Francisco Morazán's subsequent invasion leading the Central American Federalists, who, in April 1842, defeated Carrillo. The attempt to revive the Federal Republic was short-lived: in

September of the same year, Morazán was defeated and executed by firing squad in San José.

By the end of the period, the national economy had changed substantially with respect to the situation twenty years prior, at the dawn of independence. The country had diversified its production. In addition to tobacco - which continued to be an important export product and the state's main source of income - other activities had been developed, such as the exploitation of gold and silver and of logwood (although the importance of both had decreased greatly by the early 1840s). Other products of a certain relevance included loaf sugar (*chancaca*) and, to a lesser extent, hides. In any case, by 1839, coffee had already become the most important export product, even though its production had been negligible at the time of independence. By 1843, coffee represented more than 80% of the value of all exports from the country.

The predominant role of coffee had been established by 1843 and would continue for another century and a half. Its consolidation was not yet certain, however, since the possibilities for the grain's large-scale commercialization directly to Europe had still to be confirmed. Fears that the rise of coffee would not be permanent were not unfounded, given that other products of the period, such as metals and

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[...] transported those passengers in a hurry to reach their destinations. For slightly more than ten years, until 1858, this route was important.

The Sarapiquí route came about with the opening of inter-oceanic communication via Nicaragua, using the San Juan River and Lake Nicaragua to transport mainly passengers and mail from the east coast of the United States to California, and vice versa. In the Caribbean, the route's terminus was the port of San Juan del Norte, a site at which ships began to arrive regularly as of 1848. The arrival of the Royal West Indies Mail steamers at this port in this year, and subsequently of US steamship lines offering services from New York and New Orleans, made the route to San Juan via the Sarapiquí River attractive to Costa Ricans.³ It is important to note that this route had been promoted since the 1830s, when the government took steps to ensure the arrival of the Royal Mail steams to San Juan.

The river portion of the trip involved boarding small barges or canoes that were rowed up the San Juan River to the mouth of the Sarapiquí, continuing up this river to the site of El Muelle, where passengers and cargo would disembark and a customs office had been installed. This up-river journey took from three to six days, depending on weather. But the trip down river took only between fifteen and twenty-four hours.⁴

The overland section of the route was considered very difficult and also dangerous.⁵ For this reason, it was used primarily to carry mail and passengers from Costa Rica and only in a secondary manner to transport urgent or high-value cargo. Even during the route's high period, between 1848 and 1856, the transport of merchandise was limited. After 1856, with the arrival of the steamer line to Puntarenas, such transport practically disappeared, to such an extent that the Sarapiquí customs office was closed definitively in 1859.⁶

Some years later when Nicaragua revived the Transit Route (the effects of the war with the pirates having passed), Costa Rica again became interested in reactivating the route. However, this was soon forgotten due to the decision to build a direct railroad to a port on the Caribbean.⁷

The Beginnings of Maritime Movement via Limón: 1867-1882

The long time required for transport via the Pacific and the high costs involved in the alternative route of steamers and the Panama railroad were of continuous concern to the government. The construction of a railroad to the Atlantic was seen as the best solution for the transport problems affecting foreign trade. In 1861, the state sent an expedition to travel the seaboard and recommend the site for a port. The ideal site was located at

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the Bay of Limón, a few kilometers south of the old anchorage of Moín. A contract was immediately signed with a Belgian entrepreneur, E. Ponguin, to open a road to the site of the future port.⁸

This first attempt to open the road was unsuccessful, so the state assumed the task on its own. In November 1863, efforts began toward the design and, subsequently, the construction of works,⁹ which continued

until 1869 when a path had been completed that, although allowing for passage, was insufficient for the transport of export or import merchandise. In any case, overland communication was established, and in 1867 a decree was issued declaring the port of Limón open.

While the road was being built, the government continued actively to promote the construction of a railroad to that port. Between 1864 and 1865, the German engineer F. Kurtze, Director General of Public Works, carried out studies for the placement of the railway, and his results were disseminated abroad to seek financial support.¹⁰ In 1866, the first contract was signed for railroad construction, but this contract, and a second one signed in 1869, were not completed.¹¹ Finally, in 1871 a third contract was signed, this time with Henry Meiggs, a US railroad builder who had completed several such projects in the Andes. This same year, Meiggs delegated the contract to his cousin, Henry C. Keith who, in turn, passed the contract to brother Minor C. Keith in 1876, who effectively completed the work.

Construction of the railway to Limón began in late 1871. It took nineteen years to complete, for it was not until 1890 when the first train could pass from Limón to San José and thus end this enormous task toward which the country had dedicated so much effort. First financial and then technical problems were the main reason for the delay in the railroad's completion. An intermediate solution that functioned with some efficiency was to take the railroad to the Sucio River ("the old line"), where it met the highway at Carrillo, which connected with San José. In this way, by combining the railroad and highways, overland communication with the Caribbean was possible since 1882. From 1882 to 1890, the Carrillo road remained in operation, carrying an increasingly greater proportion of the country's foreign trade. In this way, the true growth of Limón as a port began.¹²

Before the route could be opened for foreign trade, Limón's importance as a port was limited to serving as a point of entry for construction materials, workers, food and other consumer goods required by the railroad. As of its opening in 1867, the shipping traffic it received increased rapidly, and by 1873 the arrival of more than 90 ships was recorded. As mentioned above, cargo was almost exclusively for importation

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Table 6-2 illustrates the speed with which Limón overtook Puntarenas as the primary port of the Republic. From receiving only 7% of all trade in 1878-79, in slightly over four years—with the opening of the Carrillo highway and the railroad to the Sucio River—Limón began to handle 32% of all exports and 65% of imports! The main reason for exporters' hesitation to use Limón was probably that the shipment of coffee over highways and its transfer to train at the Sucio River were considered risky due to the possibility that the product would get wet and be ruined. In 1886, some exporters still continued to use the port at Puntarenas but, by then, most had been convinced to use the railroad as their means of transportation.

Twenty years later, Limón's dominance over Puntarenas was absolute. More than 90% of foreign trade entered or left via the Caribbean, an exact inverse of the situation in 1878-79.

TABLE 6-2

DISTRIBUTION OF TRADE BY PORT

Year	Importation		Exportation	
	Puntarenas	Limón	Puntarenas	Limón
1878-79	N/A	N/A	93%	7%
1883	35%	65%	68%	32%
1886	25%	75%	43%	57%
1907	13%	87%	6%	94%

SOURCES: National Statistics Office, 1879 Report; Statistical Summaries 1883-1893; and 1907 Report.

ANNEX 34

**McNeil, Jean. *The Rough Guide to Costa Rica*. Fourth Edition (April 2005). New York: Rough Guides, 2005.
[Extracts]**

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The Río San Juan and the Nicaraguan Border

Heading to or from Barra from the Sarapiquí area in the Zona Norte entails a trip along the Rio Sarapiquí to the mighty **Río San Juan**. Flowing from Lago de Nicaragua to the Caribbean, the San Juan marks most of Costa Rica's border with Nicaragua, and the entire northern edge of the Barra del Colorado Wildlife Refuge. Though it's theoretically in Nicaraguan territory (the actual border is the bank on the Costa Rican side, not the midpoint of the river), Costa Ricans have the right to travel on the river. There isn't however, an Official entry point between the two countries so it's technically illegal to cross into either country along this stretch. For more details on crossing into Nicaragua see p.199.

One bizarre phenomenon local to this area is the migration of **bull sharks** from the saltwater Caribbean up the Rio San Juan to the freshwater Lago de Nicaragua. They are unique in the world in making the transition, apparently without trauma, from being saltwater to freshwater sharks.

You'll notice much evidence of **logging** in the area especially at the point where the Sarapiquí flows into the Rio San Juan the lumber industry has long had carte blanche in this area due to the non-enforcement of existing anti-logging laws. The **Nicaraguan side** of the Rio San Juan, part of the country's huge Indio Maiz Reserve, looks altogether wilder than its southern neighbour, with thick primary rainforest creeping right to the edge of the bank. Partly because of logging, and the residual destruction of its banks, the Rio San. Juan is silting up, and even shallow-bottomed *lanchas* get stuck in this once consistently deep river. It's a far cry from the 1600s and 1700s, when pirate ships used to sail all the way along the Rio. San Juan to Lago de Nicaragua, from where they could wreak havoc on the Spanish Crown's ports and shipping.

ANNEX 35

**Molina, Felipe. Report on the Border Questions Raised
Between the Republic of Costa Rica and the State of
Nicaragua.**

Madrid: Imprenta de la Viuda de Calero, 1850. [Extracts]

English translation

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or at the mouth of the river, or at any other point along its course.

In such circumstances, it so occurred that the inhabitants of Costa Rica, having discovered since 1821 the possibility of opening communications to the port, by means of the Sarapiquí River, a tributary of the San Juan, undertook to build, and indeed did build, a road toward said course, and they began to direct their trade to that side, under the same terms as permitted the Nicaraguans. Use of the port was common to all. Therefore, while the federal union lasted, no border question was stirred up, nor was there any urgency to promote one.

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the army recovered the full right to natural liberty, and as of then could become incorporated definitively to Costa Rica. This state also had the full right to declare it an integral part of its territory.

Nevertheless, Costa Rica waited, proceeding under these circumstances with great circumspection and prudence. As everyone knows, the people of Costa Rica are hard-working and peaceful. Dedicated to farming and trade, they live from the exportation of their fruits. The center of [the country's] power is found limited within a comparatively small space: situated in the high valleys of the mountains, in the middle of her vast territory. From this it follows that war, even a simple blockade, would cause the country imponderable prejudice, even if the luck of arms were favorable to her. Thus her consideration to avoid any rupture with her neighbors, not because war frightens her or because she fears its outcome, but rather to prevent its consequences and economize sacrifices. Costa Ricans think, with reason, that men must not use life to sustain bloody struggles but rather to procure well-being through work.

Among many good and brilliant qualities, the inhabitants of Nicaragua unfortunately offer the opposite of this description. Generally indolent, accustomed to living in perpetual conflicts among themselves and with bordering States, spread out over an extensive land area:

shepherds rather than farmers, and using cattle as their means of subsistence; it is clear that for them, a long war would be

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less disastrous than for other peoples found in a different situation.

The nature of the Costa Ricans, as well as their position, explains the behavior they have maintained until now in this affair: their reserve, their long patience before openly proclaiming the titles that support them: their willingness to make sacrifice of their own rights; and the conciliatory formulas that they have employed constantly to maintain good harmony with Nicaraguans. But this laudable moderation may wrongly be interpreted as a surrender. Certainly not; there has been no tacit renunciation on her part to legitimate pretensions, nor a lack of confidence in an ambiguous right. In addition, as long as the hope of renewing the federal ties subsisted, Costa Rica could, with all sincerity and without abandoning any of its rights, declare in Article 1 of her Constitution of 1843 "that the borders of the state on the side of Nicaragua would be definitively fixed when the National Representation, having been reinstalled, would hear Costa Rica." In that era, Costa Rica could still, without incurring any sign of duplicity and so as not to provoke the unruly temper of the Nicaraguans, allege that she retains the possession of Guanacaste as a result of it being a deposit confided to her by the National Congress, of which she must not have parted without the consent of the depositor.

After the fall of the federal authorities, the government of the State of Nicaragua, being that which had the port of San Juan most within her reach, seized said customs office,

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and arbitrarily imposed much increased duties over merchandise transported through there to Costa Rica, regarding which, this State, then, did not lodge any complaint, both as an effect of her habitual moderation, and because she conserved the hope that the union would be reestablished; and above all because, with her most important trade having taken a direction toward the Pacific Ocean, little did she feel the gravity of such an advance.

During the period of which we are here concerned, three ambassadorships crossed from one country to the other with the purpose of terminating their differences: that of Mr. Oreamuno, sent from Costa Rica to León; that of Mr. Tijerino, sent from Nicaragua to San José; and finally that of Messrs. Madriz and Escalante, sent from Costa Rica to Nicaragua.

We will address each of these ambassadorships separately. The first took place precisely at the moment when the Federation expired (1838) and when Nicaragua was carrying out the revision of her particular Constitution. Nicaragua then spoke of employing the Salto River as a border on the side of Costa Rica. Mr. Oreamuno stepped in, requesting that the perpetual aggregation of Guanacaste be recognized and declaring that his country was determined to defend the borders of the San Juan River, of the great lake and of La Flor River. The government of Nicaragua could not pretend not to know about said claim, and took the stance of leaving this affair in suspense. Her new Constitution warned "that the limits of the country shall be designated by a

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in making concessions to Costa Rica that were too advantageous. Under the pressure of opinion, already forewarned, in this manner, they could not work with freedom on an agreement that, without doubt, they desired. They were forced to adhere literally to the instructions that had been imparted to them. Consequently, it was impossible to agree upon a fair transaction.

Nevertheless, after many months of conferences, the representatives of each of the countries, equally hoping to dispel the probabilities of a rupture, resolved to sign on December 12, 1846, three different treaties: forged more to give some respite to the disagreements than with any hope of their being ratified.

The first of these treaties established an offensive and defensive alliance between the two States, a project that could never have pleased the Costa Ricans because it would have committed them to taking part in the frequent wars of Nicaragua with her neighboring States.

The second was related to navigation of the San Juan. This stipulated that the Costa Ricans were to pay, at the port of San Juan, warehouse fees, a tax over the tonnage of ships, and a transit duty of two silver *reales* (or five *reales* made of a copper and silver alloy) for every "quintal" of fruits exported, along with four percent of the value of the merchandise imported. The same treaty also contained various dispositions related to the San Alfonso estate situated on the Sarapiquí, with the intention of placing it under common inspection

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Such treaties must naturally have been ratified within an instant in Nicaragua, whereas in Costa Rica they were received with the indignation they deserved. The Costa Ricans could not accept any arrangement by means of which they themselves would be allowing their least ambiguous rights to be put into doubt.

They could not commit themselves a priori, and before the arbitral trial, to the abandonment of possessions which they have enjoyed at all times, such as the exclusive ownership of the Sarapiquí and the border of the San Juan. With respect to Guanacaste, which is for them a recent acquisition, they would accept arbitration in good faith. They accepted it even with respect to all of the other questions, in any nature that it would take, as long as no prejudicial renunciations were included in the act of commitment.

It must therefore be of no surprise that the legislature of Costa Rica refused to sanction those treaties, or that the cabinet of San José, instead of proceeding with useless negotiations, kept silent for such a long time.

However, the government of Costa Rica always

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took pains to conserve the greatest harmony with that of Nicaragua. With this aim, the cabinet of San José addressed that of León in May of 1848, stating: "that an attempt was being made to open a new road in the direction of the Sarapiquí, and that it counted always on the friendly

disposition of Nicaragua to celebrate a trade agreement, after Nicaragua had recovered the port of San Juan, occupied at that time by the British.”

To this announcement full of courtesy and deference, the cabinet of León responded with the threat of a rupture in the event that work on the road was not suspended, until the borders could be definitively arranged.

Transit by the San Juan had become a vital need for the Costa Ricans, so the uncivil opposition intimated by Nicaragua was the same as condemning [Costa Rica] to a certain decline in her trade and wealth.

No one, then, should be surprised that the Costa Ricans, in their desperation, have conceived of the idea of requesting the mediation of some foreign power. Nicaragua with less reason than any other, since that state was the first to give such an example when, in 1839 to 1840, she invoked British intervention in her conflicts with the federal power.

When, in spite of the identity of origin, of race, of religion, of language and of institutions; when in spite of so many considerations that should tightly unite the two peoples, the Nicaraguans have thought they can take advantage of their superior

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With respect to Guanacaste, it was proposed that a consultation again be held regarding the will of those inhabitants, whose votes would be explored and collected on site by a mixed commission composed of representatives from both countries.

Such propositions were certainly more than fair, for they abounded in generosity. Nevertheless, they were discarded. Costa Rica was given this hard alternative: either renounce Guanacaste or renounce the Sarapiquí and the San Juan. These conditions are equally inadmissible because, on the one hand, in Guanacaste Costa Rica possesses a significant population, extensive farms and a growing number of cattle; whereas on the other hand, the mentioned rivers are the two main arteries for the country's circulation to the Atlantic.

Not having been able to agree upon any treaty of this nature, Mr. Molina proceeded to propose different plans for the signing of a provisional arrangement, supported by a treaty of friendship and trade, the spirit of which was meant to maintain the status quo until a definitive solution could be reached by the means of reason. To this effect, it was stipulated that the parties must deal with each other in a friendly manner, or subject themselves to the decision of arbiters to be selected within no more than ten years. It was also proposed that the question be submitted immediately to the government of Guatemala, before which both parties would be obliged to appear and defend their cases within a term of two years. In the meantime, the products of each country would enjoy in the other country a full exemption that, although reciprocal in appearance,

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ANNEX 36

**Molina, Felipe. Study of the Republic of Costa Rica. New
York: S.W. Benedict Printers, 1851. [Extracts]**

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§ 14. PRODUCTION

All products of inter-tropical regions are found in the country, and of excellent quality. However, certain products such as cochineal, cotton and vineyards cannot be cultivated for profit because of the excessive rains that destroy harvests when maturity is near. Coffee, which is currently the primary export item, has been qualified as excellent, although it rarely reaches the marketplaces of Europe without having suffered deterioration due to the delays and setbacks experienced by shipments in the long and difficult trip that must be made around Cape Horn.

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§ 15. TRADE

This is carried out mainly with England, on English ships. Almost all products from the country end up in the

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EXPORTATION

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United Kingdom, in exchange for English manufactured goods, which to date make up the greatest part of consumption. Nevertheless, there is a French firm that receives three or four expeditions each year, and the French goods are highly esteemed. The growth of trade is paralyzed by the need to follow the long and laborious path of Cape Horn, as the several articles that it would be convenient to export cannot support the increased charter fees or the heavy costs of such lengthy navigation. From 1848 to 1849, the entry of ships to the Port of Punta Arenas increased in number to 70, with a total of 7,188 tons of imports. If we add a similar amount in exports and 1,200 tons for all trade from Matina, we would have the sum of 15,571 tons, representing mercantile movement as a whole. Instead of

having decreased, it seems that trade has been greater during the year from 1849 to 1850, with new traffic having opened with California, which is a fifteen to twenty days sail from Punta Arenas.

From the announcements in the newspapers, we may conclude that the number of ships that visited Punta Arenas from 1850 to 1851 will be no lower than 150, and another 50 ships, although small in size, have been in Matina. Therefore, the traffic entering and leaving will probably have increased to twenty thousand tons.

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ROUTES OF COMMUNICATION

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In the Pacific, the Republic of Costa Rica possesses many safe and spacious ports, such as: Golfo Dulce, Puerto Inglés, Las Mantas, Caldera, Punta Arenas, La Culebra, Santa Elena and Las Salinas. Among them, only Punta Arenas is currently frequented and has been outfitted for foreign trade, with the Free Port privileges granted by the legislature for the term of three years, from September 1847 to September 1850, which has subsequently been extended. There, one need not pay any duties, neither for importation, exportation or deposit, nor for the loading or unloading of merchandise. In a word, mercantile operations are not subject to any restriction or formality. The only exceptions are articles blocked by the Government, such as: liquors or distilled alcohol, tobacco and gunpowder, which by order must be deposited in public warehouses and cannot be imported or exported without special license. Rifles and other arms or military supplies are subject to the same rules. Tonnage duties are not charged to ships, which need not carry out any expenditures when entering or leaving except for piloting fees when they wish to be anchored within the estuary (six *reales* for each foot of hold) and three pesos for permission to set sail.

On the Atlantic side, there is not a single site along the entire coast from San Juan, toward the southeast, to the

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cove of Veragua, that merits being called a good port, except for the magnificent bay of Boca Toro. Neither Matina nor Salt Creek (Moin) offer the necessary requisites, and this part of the seaboard is currently rarely frequented. Only a small amount of trade in sarsaparilla, tortoiseshell, coconut oil, etc. etc. is carried out from there. (See the descriptive chapters on Punta Arenas, Golfo Dulce, Boca Toro, Matina and San Juan.)

The franchises granted to Punta Arenas have provided such advantageous results that they are likely to be perpetuated.

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SAN JUAN OR GREYTOWN

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The settlement of this question of dominion between the three parties that claim it remains pending and is the subject of diplomatic negotiations.

Meanwhile, the port has been declared free, pursuant to the Clayton-Bulwer Treaty. There is no doubt that San Juan is destined to be a market of the first order, as well as the main point of departure for trade from Costa Rica by means of the Atlantic.

The port offers excellent anchorage and by day is very crowded with American and other ships with passengers going to, or coming from, California.

British steamers of the Royal Mail travel directly from Southampton to San Juan in 26 days, twice per month, and the American Vanderbilt line dispatches other ships from New York, making the trip in eight days.

These advantages are responsible for the increase in population over the past three years, growth that is likely to increase more quickly with every day.

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ANNEX 37

**Molina, Felipe. Memoir on the Boundary Question Pending
Between the Republic of Costa Rica and the State of
Nicaragua. Washington: Gideon & Co.: 1851. [Extracts]**

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COLONIAL PERIOD. 1502-1821.

The territories now known under the names of Costa Rica and Nicaragua, formerly inhabited by various small tribes of aborigines, were discovered and settled by different Spanish adventurers. In the course of time, the cabinet of Madrid thought proper to form one single province, by uniting the two, under the authority of an officer called the Intendant, (Intendente.) That functionary, like those of equal grade existing in Honduras, San Salvador, and Chiapas, was subordinate to the captain general of the so-called kingdom of Guatemala, who resided in the city of the same name. The amalgamation, nevertheless, of Costa Rica and Nicaragua was never complete, and the former province always maintained its own particular governor, independent of the Intendant, residing in Leon, in every thing relative to questions of *war and* the administration of *justice*, and was only subject to his authority in *financial* affairs. The intervening district, formerly called *Xicoya*, and now *Guanacaste*, from its chief towns being so named, was sometimes placed under the immediate jurisdiction of the authorities at Leon, and at other times under that of Cartago, the capital of Costa Rica. The traffic of those countries by the Atlantic ocean was at that period very insignificant, either through fear of the pirates or buccaneers, who infested the coast, or owing to the system of monopoly and sequestration observed by Spain. The San Juan, that magnificent river, was very little frequented. Military garrisons had only existed at San Carlos, where the river issues from the lake, and where a fort was constructed, as well as in the place now called Castillo Viejo, on account of a ruined fortress near that spot. It was not until the close of the last century, (1796,) that a detachment of troops was placed at the mouth of the San Juan. Such a garrison was naturally placed under the immediate control of the highest authority of the province, who ruled jointly over Costa Rica and Nicaragua, and who resided at Leon. All the aforesaid posts were often garrisoned with Costa Rican soldiers. No road existed then leading from the table lands of Costa Rica to the mouth of the river, while the intercourse between the towns of Nicaragua and the said port offered no difficulties, it being but necessary to traverse the lake and descend the river in boats. At certain periods of comparative prosperity for Costa Rica, the port of Matina, on the Atlantic, had satisfied the necessities of commerce; but frequent descents of pirates had caused that port to be neglected.

It was about that time that the Spanish Government issued a royal decree, dated Aranjuez, the 26th of February, 1796, to the following effect: "His Majesty, being desirous that the province of Nicaragua and the other provinces of the kingdom of Guatemala, which are situated more than

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three hundred leagues distance from the capital, and from the ports of Omoa and Santo Tomas de Castilla, may be enabled to carry on a direct trade with the mother country, without being subject to the inconveniences of a long distance, has been pleased to declare that the harbor of San Juan de Nicaragua, on the river of the same name, shall be a port of the second class; and it is further provided, that, for the present, such a privilege shall be considered as extending to the city of Granada, on the Lake of Nicaragua, up to which lake said river is navigable; and consequently all the immunities and exemptions, to which San Juan is entitled, shall for the present be also enjoyed by the city of Granada." (a)

The perusal of this decree is sufficient to establish, beyond all question, the right of Costa Rica to the port of San Juan. The object of the privilege granted to San Juan was to benefit the province of Nicaragua, and other provinces, distant upwards of three hundred leagues from the capital. In whatever light we may consider this point, it will appear that Costa Rica was entitled to the privilege, both as a member of the Intendancy of Nicaragua, and by its ranking among the provinces distant more than three hundred leagues from the capital. Any one casting a glance over the map, will acknowledge at once that no country could more largely profit by the opening of the new port than Costa Rica. The extension of the grant to the city of Granada was but a common effect of the Spanish system of erecting interior custom-houses, or "dry ports." However, there is hardly any ground for the inference that it was intended by the royal decree to forbid the other provinces, alluded to in the same decree, from carrying on a commercial intercourse with Spain by any other route than that of Granada.

(...)

ANNEX 38

**Rodriguez Bolaños, Jose Alberto & Borge Carvajal, Victor
Guillermo. *The Railroad to the Atlantic in Costa Rica*. San
José: University of Costa Rica: 1979. [Extracts]**

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The famous railroad builder Henry Meiggs was then working on the railroads of Peru, so his nephews Henry M. Keith and Minor C. Keith took charge of the work.

In order to finance the project, loans were taken with European firms for amounts and under conditions that became extremely onerous for the country.

The construction of the railroad began in 1871, in Alajuela and Limón simultaneously. The plan was to finish the railroad in 1874. By this date, however, it had advanced only from Alajuela to Cartago and from Limón to Matina (less than one third of the route). (See Map 2)

Without funds and embroiled in serious financial problems with its European creditors, the government took charge of the effort in this year. Work progressed very slowly, and only in 1882 was a mixed route to the Atlantic put into use: a road from San José to a point called Carrillo, and a railway from Carrillo to Limón.

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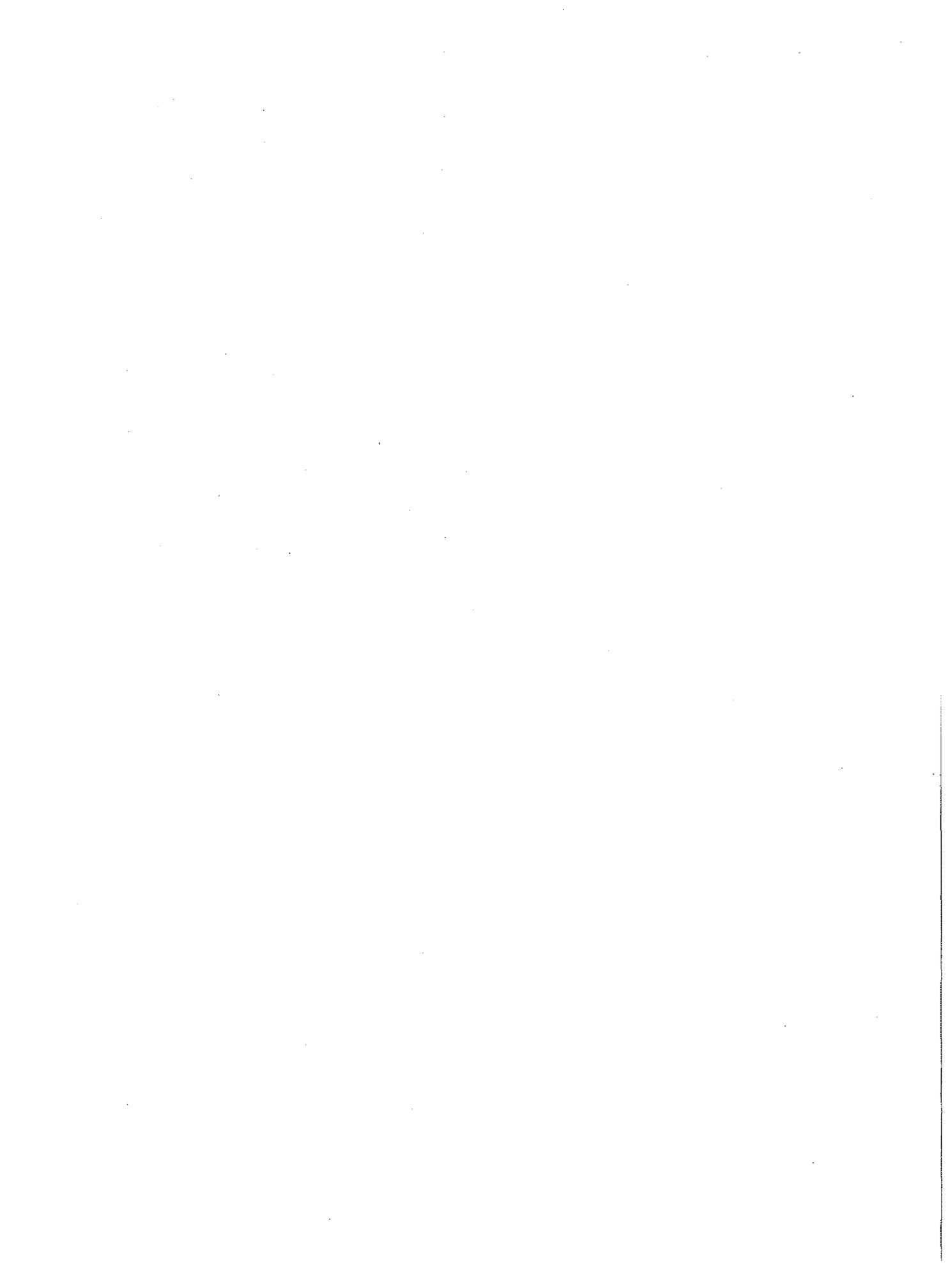
analyzed in chapters IV and V, did not allow the opening of the Atlantic route, which would cut the distances between Costa Rica and the main European and American trade centers. Thus, it is not surprising that, during the first and second phases of the opening of the railway to the Atlantic, foreign trade from Costa Rica would be limited to Puntarenas, and that the groups of import and export merchants (noting the three social strata mentioned above) benefited more from the route to the Pacific than that to the Atlantic. Even when use of the route from the central region to Carrillo by highway and from Carrillo to Limón by train began, in the early 1880s, the port of Puntarenas lost its monopoly, but not necessarily its hegemony as a port of access to the exterior, mainly toward England and North America. With the formation of the three social sectors of importance in agro-industry and trade, and the formation at its core of a foreign group associated to national groups in the development of trade, by mid century a large group of importing merchants, consignees and

representatives of foreign companies had formed and grew stronger over the years. The list reproduced below, which Vega Carballo qualifies as "necessarily incomplete," will serve as a reference point of the groups that intervened and benefited from the development of the railroad, both at the start and during project development.

ANNEX 39

**UNESCO Man and the Biosphere Programme Certificate
for the San Juan River Biosphere Reserve of Nicaragua**

15 September 2003



[UNESCO LOGO]

Programme on Man and the Biosphere

By decision of the International Co-ordinating Council of the Programme on Man and the Biosphere (MAB), it is hereby certified that

The San Juan River – Nicaragua Biosphere Reserve

forms an integral part of the World Network of Biosphere Reserves

The principal types of ecosystems and landscapes of our planet are represented in this Network, which is consecrated to the conservation of biological diversity, scientific research and permanent observation, as well as to the definition of sustainable development models at the service of mankind.

Participating in the World Network facilitates cooperation and exchanges at the regional and international levels

Date of Registration
General

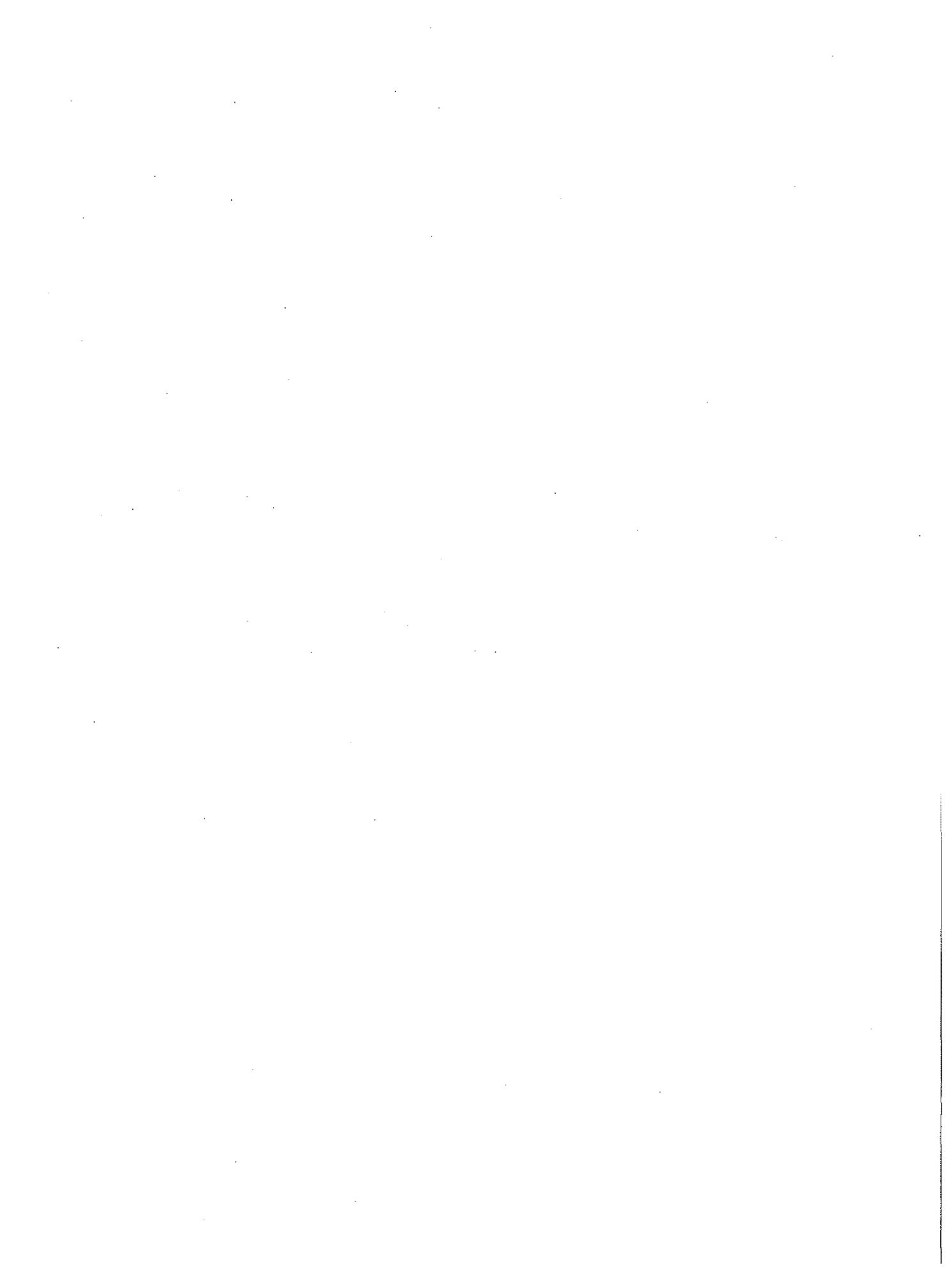
15.IX.2003

UNESCO Director

/s/ Illegible

ANNEX 40

Ministry of the Environment and Natural Resources. *San Juan River Wildlife Refuge Management Plan*. Managua: ARAUCARIA-MARENA-AECI, 2005. [Extracts].



SAN JUAN RIVER BIOSPHERE RESERVE REFUGE

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3.3 VALUATION OF BIOLOGICAL DIVERSITY

Natural resources in the San Juan River Wildlife Refuge are still maintained in an excellent state of conservation, although several natural spaces are undergoing a process of regeneration from past human interventions. Nonetheless, the conservation of its great natural wealth will depend on the treatment to which it is submitted in the future. Its main value lies precisely in the condition of its wildlife, which is valued in two categories: diversity of existing natural resources and diversity of ecosystems and species.

a) Species Diversity

Species diversity is very broad in this Refuge. Preliminary evaluation visits have registered 303 Bird species (24 migratory), 26 mammal, 15 reptile, 3 amphibian and 61 insect species. In addition, 7 marine crustacean species, 2 freshwater crustacean species, 13 marine fish species and 10 freshwater fish species are known. However, the San Juan River Wildlife Refuge has already reported important discoveries, despite the few materials that have been collected in such a short period of time, which lead us to think of the immense biodiversity wealth that remains to be discovered once systematic inventories are made and scientific activities intensify.

(...)

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Aesthetic value

Another group of species of great value in this Refuge, particularly for tourism, are aquatic birds of attractive contrasting colors, which can be easily seen from traveling boats. There is a predominance of 10 heron species, 2 stork species, 9 dotterel species and 3 fishing marlin species. Darters (*Anhinga anhinga*) and cormorants (*Phalacrocorax olivaceus*) are also very visible. None of these two species are actually ducks, but they both dive very well to feed on fish and invertebrates. It is also possible to see fishing marlins (*Ceryle spp.*), Montezuma oropendolas (*Psarocolius*

montezuma), scarlet macaws and great green macaws (*Ara macao* and *Ara ambigua*), among other species.

...

Species in extinction

The mere presence of extinct species in other parts of the world justifies the protection of many wildlife refuges in the world. There is an international convention, ratified by Nicaragua in 1977 (Official Journal La Gaceta No. 183), whereby we commit to pay attention to the species identified in the CITES Annexes (Convention on International Trade in Endangered Species of Flora and Fauna) in order to control international trade thereof. In this Wildlife Refuge, there are 46 of these species in relative abundance, which places additional value on the intelligent management of the natural resources in this part of the country. A list of these species is found at the end of this document (Annex 2).

(...)

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The San Juan River Wildlife Refuge is a natural terrestrial and aquatic habit of fauna species and ecological communities. It is also a stopover for a large number of migratory birds of national and international importance. Within these fauna species, there are rare species, such as the jaguar (*Panthera onca*), manatee (*Trichechus manatus*), crocodile (*Crocodylus acutus*), great green macaw (*Ara ambigua*), tapir (*Tapirus bairdii*), harpy eagle (*Harpie harpija*), and several endangered species, such as the peccary (*Tayassu pecari*, *Pecari tajacu*), deer (*Odocoileus virginianus*), caiman (*Caiman crocodiles*), iguana (*Iguana iguana*), green and black poison-dart frog (*Dendrobates auratus*) and bull shark (*Carcharinus leucas*). It is worthy to note that it is highly probable that endemic flora and fauna species are found in the area, as well as microorganisms. However, they are not used as an argument because in-depth studies have not been developed with respect to the region's rich biological diversity.

In addition to the foregoing, which fits perfectly with the definition of Wildlife Refuge, the area meets all the criteria described in the regulations on the designation of this category, namely: protection of nature and survival of aquatic fauna species, such as the manatee (*Trichechus manatus*), tropical gar (*Atractosteus tropicus*), bull shark (*Carcharinus leucas*) and tarpon (*Tarpon atlanticus*), as well as terrestrial fauna, such as

tigers (*Felis spp.*), Central American agoutis (*Dasyprocta punctata*), pacas (*Agouti paca*), among others, which are classified as rare, protected or in danger of extinction in the IUCN Red List. Further, it is a breeding ground for lobster (*Panulirus argus*), shrimp (*Penaeus spp.*), green sea turtle (*Chelonia mydas*), hawksbill turtle (*Eretmochelys imbricata*), great green parrot (*Ara ambigua*). There are feeding areas for species of great importance in the local, national and international economy, such as the manatee (*Trichechus Manatus*), peccary (*Tayassu pecari* and *Pecari tajacu*), lobster (*Panulirus argus*), shrimp (*Pendeus spp.*) and tropical gar (*Atractosteus tropicus*), among others, and critical habitats, such as mangroves, peat swamps, flooded forests, palm bogs, lagoons, estuaries, flooded plains, gallery forests and primary forests, among others.

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**ANNEX 1. PRELIMINARY LIST OF WILD SPECIES OF FAUNA
IN THE SAN JUAN RIVER WILDLIFE REFUGE**

INSECTS		
FAMILY	SPECIES	REPORTED BY
BRENTIDAE	<i>Brentus anchorago</i>	Giuliano Trezzi
CERAMBYCIDAE	<i>Acrocinus longimanus</i>	Giuliano Trezzi
COCCINELLIDAE	<i>Epilachna sp.</i>	Giuliano Trezzi
COENAGRIONIDAE	<i>Argia pulla</i>	Giuliano Trezzi
COENAGRIONIDAE	<i>Argia sp.</i>	Giuliano Trezzi
FORMICIDAE	<i>Atta sp.</i>	Giuliano Trezzi
FORMICIDAE	<i>Paraponera clavata</i>	Giuliano Trezzi
FORMICIDAE	<i>Camponotus sp.</i>	Giuliano Trezzi
GOMPHIDAE	<i>Aphylla angustifolia</i>	Giuliano Trezzi
LIBELLULIDAE	<i>Micrathyria aequaliss</i>	Giuliano Trezzi
LIBELLULIDAE	<i>Micrathyria didyma</i>	Giuliano Trezzi
LIBELLULIDAE	<i>Erythemis peruviana</i>	Giuliano Trezzi
LIBELLULIDAE	<i>Erythrodiplax connata</i>	Giuliano Trezzi
LIBELLULIDAE	<i>Erythrodiplax ochracea</i>	Giuliano Trezzi
LIBELLULIDAE	<i>Dythemis velox</i>	Giuliano Trezzi
LIBELLULIDAE	<i>Idiataphe cubensis</i>	Giuliano Trezzi
NYMPHALIDAE	<i>Caligo atreus</i>	Javier Baltodano
NYMPHALIDAE	<i>Archaeoprepona demophoon</i>	Javier Baltodano
NYMPHALIDAE	<i>Eueides lybia</i>	Javier Baltodano
NYMPHALIDAE	<i>Dryas iulia</i>	Javier Baltodano
NYMPHALIDAE	<i>Heliconius charitonius</i>	Javier Baltodano

NYMPHALIDAE	<i>Heliconius cydno</i>	Javier Baltodano
NYMPHALIDAE	<i>Heliconius erato</i>	Javier Baltodano
NYMPHALIDAE	<i>Heliconius melponeme</i>	Javier Baltodano
NYMPHALIDAE	<i>Heliconius sara</i>	Javier Baltodano
NYMPHALIDAE	<i>Philaetria dido</i>	Javier Baltodano
NYMPHALIDAE	<i>Aeria eurimedia</i>	Javier Baltodano
NYMPHALIDAE	<i>Mechanitis lysimnia</i>	Javier Baltodano
NYMPHALIDAE	<i>Mechanitis polymnia</i>	Javier Baltodano
NYMPHALIDAE	<i>Caligo illioneus</i>	Giuliano Trezzi
NYMPHALIDAE	<i>Antirrhoea miltiades</i>	Javier Baltodano
NYMPHALIDAE	<i>Morpho cypris</i>	Javier Baltodano
NYMPHALIDAE	<i>Morpho peleides</i>	Javier Baltodano
NYMPHALIDAE	<i>Anartia jatrophae</i>	Giuliano Trezzi
NYMPHALIDAE	<i>Anartia fatima</i>	Javier Baltodano
NYMPHALIDAE	<i>Adelpha cytherea</i>	Javier Baltodano
NYMPHALIDAE	<i>Callicore lyca</i>	Javier Baltodano
NYMPHALIDAE	<i>Historis acheronta</i>	Javier Baltodano
NYMPHALIDAE	<i>Historis odius</i>	Javier Baltodano
NYMPHALIDAE	<i>Tigridia acesa</i>	Javier Baltodano
NYMPHALIDAE	<i>Cissia confusa</i>	Javier Baltodano
NYMPHALIDAE	<i>Dulcedo polita</i>	Javier Baltodano
NYMPHALIDAE	<i>Pierella helvetia</i>	Javier Baltodano
PAPILIONIDAE	<i>Parides eurimedes</i>	Javier Baltodano
PAPILIONIDAE	<i>Parides erithalion</i>	Javier Baltodano
PASSALIDAE	<i>Passalus punctiger</i>	Giuliano Trezzi
PIERIDAE	<i>Anteos clorinde</i>	Javier Baltodano
PIERIDAE	<i>Eurema nise</i>	Giuliano Trezzi
PIERIDAE	<i>Dismorphia Zathoe</i>	Giuliano Trezzi
PIERIDAE	<i>Aphrissa atatira</i>	Giuliano Trezzi
PIERIDAE	<i>Phoebis argante</i>	Javier Baltodano
RIODINIDAE	<i>Eurybia lamia</i>	Javier Baltodano
SATURNIIDAE	<i>Eacle imperialis</i>	Giuliano Trezzi
SCARABAEIDAE	<i>Strategus aloeus</i>	Giuliano Trezzi
SCARABAEIDAE	<i>Dyscinetus sp.</i>	Giuliano Trezzi
SCARABAEIDAE	<i>Euetheola sp.</i>	Giuliano Trezzi
SCARABAEIDAE	<i>Anomala valida</i>	Giuliano Trezzi
SCARABAEIDAE	<i>Aphodius sp.</i>	Giuliano Trezzi
TENEBRIONIDAE	<i>Zophobas sp.</i>	Giuliano Trezzi
TENEBRIONIDAE	<i>Phrenapates bennetti</i>	Giuliano Trezzi

INSECTS		
FAMILY	SPECIES	REPORTED BY
NYMPHALIDAE	<i>Adelpha cytherea ssp. marcia</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Agraulis vanillae ssp. incarnata</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Anartia amathea ssp. fatima</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Anartia jatrophae ssp. luteipicta</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Anthanassa drusilla ssp. lelex</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Antirrhaea miltiades</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Archaeoprepona amphimachus ssp. amphimachus</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Archaeoprepona camilla ssp. camilla</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Archaeoprepona demophon ssp. centralis</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Archaeoprepona demophon ssp. gulina</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Caerois gertrudtus</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Caligo atreus ssp. dionysos</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Caligo eurilochus ssp. sulanus</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Caligo ilioneus ssp. oberon</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Caligo memnon ssp. memnon</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Callicore lyca ssp. aérias</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Callicore pitheas</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Catoblepia orgetorix ssp. championi</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Catonephele numilia ssp. esite</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Ceratinia tutia ssp. tutia</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Chloreuptychia arnaca</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Chlosyne janais</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Chlosyne janais</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Cissia labe</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Cissia pseudoconfusa</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Cithaerias menander</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Colobura dirce ssp. dirce</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Consul fabius ssp. cecrops</i>	Jean-Michel Maes

NYMPHALIDAE	<i>Danaus eresimus ssp. montezuma</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Dryadula phaetusa</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Dryas iulia ssp. moderata</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Ectima erycinoides ssp. erycinoides</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Eresia clara</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Eryphanis polyxena ssp. lycomedon</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Eueides isabella ssp. eva</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Fountainea eurypyle ssp. confusa</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Hamadryas februa ssp. ferentina</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Hamadryas feronia ssp. farinulenta</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Hamadryas laodamia ssp. saurites</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Heliconius charthonius ssp. charithonius</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Heliconius cydno ssp. galanthus</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Heliconius erato ssp. petiveranus</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Heliconius hecale ssp. zuleika</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Heliconius ismenius</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Heliconius melpomene ssp. rosina</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Heliconius sapho ssp. leuce</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Heliconius sara ssp. fulgidus</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Hermeuptychia hermes</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Historis acheronta ssp. acheronta</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Historis odius ssp. dious</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Hypothyris euclea ssp. valora</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Magneuptychia libye</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Manataria maculata</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Marpesia merops</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Mechanitis isthmia ssp. isthmia</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Mechanitis lysimnia ssp.</i>	Jean-Michel Maes

	<i>doryssus</i>	
NYMPHALIDAE	<i>Memphis morvus ssp. boisduvali</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Memphis proserpina</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Memphis xenocles</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Morpho granadensis ssp. polybatus</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Morpho peleides ssp. limpida</i>	Jean-Michel Maes

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INSECTS		
FAMILY	SPECIES	REPORTED BY
NYMPHALIDAE	<i>Myscelia pattenia</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Nessaea aglaura ssp. aglaura</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Nica flavilla ssp. canthara</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Opsisphanes cassina ssp. fabricii</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Opsisphanes invirae ssp. cuspidatus</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Opsisphanes tamarindi ssp. tamarindi</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Pareuptychia hesione</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Pareuptychia metaleuca</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Pierella helvetia ssp. incanescens</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Pierella luna ssp. luna</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Prepona omphale ssp. octavia</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Pyrrhogyra otolais ssp. otolais</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Taygetis andromeda</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Taygetis celia ssp. keneza</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Taygetis mermeria ssp. excavata</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Taygetis nympa</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Taygetis penelea</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Taygetis salvini</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Taygetis virgilia ssp. rufomarginata</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Tithorea tarricina ssp. pinthias</i>	Jean-Michel Maes
NYMPHALIDAE	<i>Vareuptychia usitata ssp. usitata</i>	Jean-Michel Maes
PAPILIONEDAE	<i>Parides childrenae ssp.</i>	Jean-Michel Maes

	<i>childrenae</i>	
PAPILIONEDAE	<i>Parpides eurimedes ssp. mylotes</i>	Jean-Michel Maes
PAPILIONEDAE	<i>Parides panares ssp. lycimenes</i>	Jean-Michel Maes
PAPILIONEDAE	<i>Battus polydamas ssp. polydamas</i>	Jean-Michel Maes
PIERIDAE	<i>Aphrissa boisduvalii</i>	Jean-Michel Maes
PIERIDAE	<i>Eurema agave ssp. mana</i>	Jean-Michel Maes
PIERIDAE	<i>Eurema albula ssp. albula</i>	Jean-Michel Maes
PIERIDAE	<i>Eurema दौरa ssp. दौरa</i>	Jean-Michel Maes
PIERIDAE	<i>Eurema dina ssp. westwoodi</i>	Jean-Michel Maes
PIERIDAE	<i>Eurema nise ssp. nelphe</i>	Jean-Michel Maes
PIERIDAE	<i>Phoebis philea ssp. philea</i>	Jean-Michel Maes
SPHINGIDAE (Nocturnal)	<i>Aleuron neglectum ssp. neglectum</i>	Jean-Michel Maes
SPHINGIDAE	<i>Callionima inuus</i>	Jean-Michel Maes
SPHINGIDAE	<i>Callionima nomius</i>	Jean-Michel Maes
SPHINGIDAE	<i>Cocytius beelzebuth</i>	Jean-Michel Maes
SPHINGIDAE	<i>Enyo ocypete</i>	Jean-Michel Maes
SPHINGIDAE	<i>Erinnyis crameri</i>	Jean-Michel Maes
SPHINGIDAE	<i>Erinnyis ello ssp. ello</i>	Jean-Michel Maes
SPHINGIDAE	<i>Eumorpha capronnieri</i>	Jean-Michel Maes
SPHINGIDAE	<i>Eumorpha fasciata ssp. fasciata</i>	Jean-Michel Maes
SPHINGIDAE	<i>Eumorpha phorbas</i>	Jean-Michel Maes
SPHINGIDAE	<i>Eumorpha triangulum</i>	Jean-Michel Maes
SPHINGIDAE	<i>Hemeroplanes triptolemus</i>	Jean-Michel Maes
SPHINGIDAE	<i>Isognathus rimosus ssp. excelsior</i>	Jean-Michel Maes
SPHINGIDAE	<i>Madoryx pluto ssp. pluto</i>	Jean-Michel Maes
SPHINGIDAE	<i>Manduca florestan</i>	Jean-Michel Maes
SPHINGIDAE	<i>Pachylia derceta</i>	Jean-Michel Maes
SPHINGIDAE	<i>Pachylia ficus</i>	Jean-Michel Maes
SPHINGIDAE	<i>Pachylia syces ssp. syces</i>	Jean-Michel Maes
SPHINGIDAE	<i>Protambulyx strigilis ssp. strigilis</i>	Jean-Michel Maes
SPHINGIDAE	<i>Protambulyx xanthus</i>	Jean-Michel Maes
SPHINGIDAE	<i>Sphinx merops ssp. merops</i>	Jean-Michel Maes
SPHINGIDAE	<i>Xylophanes anubus ssp. anubus</i>	Jean-Michel Maes
SPHINGIDAE	<i>Xylophanes belti</i>	Jean-Michel Maes

SPHINGIDAE	<i>Xylophanes ceratomioides</i>	Jean-Michel Maes
SPHINGIDAE	<i>Xylophanes loelia</i>	Jean-Michel Maes
SATURNIIDAE (Nocturnal)	<i>Adeloneivaia boisduvalii</i>	Jean-Michel Maes
SATURNIIDAE	<i>Arsenura batesii ssp. arcaeii</i>	Jean-Michel Maes
SATURNIIDAE	<i>Arsenura drucei</i>	Jean-Michel Maes
SATURNIIDAE	<i>Automeris tridens</i>	Jean-Michel Maes
SATURNIIDAE	<i>Citheronioides collaris</i>	Jean-Michel Maes
SATURNIIDAE	<i>Dysdaemonia boreas</i>	Jean-Michel Maes
SATURNIIDAE	<i>Eacles imperialis ssp. Decoris</i>	Jean-Michel Maes

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INSECTS		
FAMILY	SPECIES	REPORTED BY
SATURNIIDAE	<i>Othorene purpurascens</i>	Jean-Michel Maes
SATURNIIDAE	<i>Paradaemonia andensis</i>	Jean-Michel Maes
SATURNIIDAE	<i>Rhescynthis hippodamia ssp. norax</i>	Jean-Michel Maes
SATURNIIDAE	<i>Rothschildia lebeau ssp. inca</i>	Jean-Michel Maes
SATURNIIDAE	<i>Rothschildia orizaba ssp. triloba</i>	Jean-Michel Maes
SATURNIIDAE	<i>Syssphinx molina</i>	Jean-Michel Maes
SATURNIIDAE	<i>Syssphinx quadrilineata ssp. quadrilineata</i>	Jean-Michel Maes
BUPRESTIDAE	<i>Agrilus sp.</i>	Jean-Michel Maes
BUPRESTIDAE	<i>Taphrocerus sp.</i>	Jean-Michel Maes
COCCINELLIDAE	<i>Chilocorus cacti</i>	Jean-Michel Maes
HYDROPHILIDAE	<i>Dibolocoelus purpurascens</i>	Jean-Michel Maes
HYDROPHILIDAE	<i>Dibolocoelus smaragdinus</i>	Jean-Michel Maes
PASSALIDAE	<i>Veturius platyrhinus</i>	Jean-Michel Maes
PASSALIDAE	<i>Passalus sp.</i>	Jean-Michel Maes
SCARABAEIDAE - APHODIINAE	<i>Aphodius sallei</i>	Jean-Michel Maes
SCARABAEIDAE - APHODIINAE	<i>Aphodius nigrita</i>	Jean-Michel Maes
SCARABAEIDAE - DYNASTINAE	<i>Dyscinetus laevipunctatus ssp. laevipunctatus</i>	Jean-Michel Maes
SCARABAEIDAE - DYNASTINAE	<i>Ligyris gyas</i>	Jean-Michel Maes

SCARABAEIDAE – DYNASTINAE	<i>Strataegus aloeus</i>	Jean-Michel Maes
SCARABAEIDAE – DYNASTINAE	<i>Strataegus hipposiderus</i>	Jean-Michel Maes
SCARABAEIDAE – DYNASTINAE	<i>Homophileurus quadrituberculatus</i>	Jean-Michel Maes
SCARABAEIDAE – DYNASTINAE	<i>Phileurus didymus</i>	Jean-Michel Maes
SCARABAEIDAE – RUTELINAE	<i>Anomala megalia</i>	Jean-Michel Maes
SCARABAEIDAE– SCARABAEINAE	<i>Eurysternus claudicans</i>	Jean-Michel Maes
GELASTOCORIDAE	<i>Gelastocoris variegatus</i>	Jean-Michel Maes
LYGAEIDAE	<i>Neortholomus jamaicensis</i>	Jean-Michel Maes
LYGAEIDAE	<i>Neortholomus albocincta</i>	Jean-Michel Maes
CERCOPIDAE	<i>Aeneolamia albofasciata</i>	Jean-Michel Maes
CERCOPIDAE	<i>Aeneolamia postica</i>	Jean-Michel Maes
CERCOPIDAE	<i>Mahanarva costaricensis</i>	Jean-Michel Maes
CERCOPIDAE	<i>Prosapia simulans</i>	Jean-Michel Maes
CERCOPIDAE	<i>Zulia vilior</i>	Jean-Michel Maes
CICADELLIDAE	<i>Agallia modesta</i>	Jean-Michel Maes
CICADELLIDAE	<i>Agrosoma pulchella</i>	Jean-Michel Maes
CICADELLIDAE	<i>Balclutha incisa</i>	Jean-Michel Maes
CICADELLIDAE	<i>Empoasca sp.</i>	Jean-Michel Maes
CICADELLIDAE	<i>Graminella cognita</i>	Jean-Michel Maes
CICADELLIDAE	<i>Graminella striatella</i>	Jean-Michel Maes
CICADELLIDAE	<i>Gyponana sp.</i>	Jean-Michel Maes
CICADELLIDAE	<i>Hortensia similis</i>	Jean-Michel Maes
CICADELLIDAE	<i>Ladoffa sannionis</i>	Jean-Michel Maes
CICADELLIDAE	<i>Macunolla ventralis</i>	Jean-Michel Maes
CICADELLIDAE	<i>Portanus tessellatus</i>	Jean-Michel Maes
CICADELLIDAE	<i>Phera obtusifrons</i>	Jean-Michel Maes
CICADELLIDAE	<i>Plesiommata corniculata</i>	Jean-Michel Maes
CICADELLIDAE	<i>Pseudophera contraria</i>	Jean-Michel Maes
CICADELLIDAE	<i>Tropicanus flectus</i>	Jean-Michel Maes
CICADELLIDAE	<i>Typhlocybella minima</i>	Jean-Michel Maes
CICADELLIDAE	<i>Xestocephalus albopunctatus</i>	Jean-Michel Maes
CICADELLIDAE	<i>Xestocephalus sp.</i>	Jean-Michel Maes
DELPHACIDAE	(Unidentified)	Jean-Michel Maes
DICTYOPHARIDAE	<i>Taosa herbida</i>	Jean-Michel Maes

MARGARODIDAE	<i>Icerya purchasi</i>	Jean-Michel Maes
MEMBRACIDAE	<i>Micrutalis sp.</i>	Jean-Michel Maes
MEMBRACIDAE	<i>Spissistilus festinus</i>	Jean-Michel Maes
MEMBRACIDAE	<i>Trichaetipyga sp.</i>	Jean-Michel Maes
PHLAEOTHIRIPIDAE	<i>Actinothrips sp.</i>	Jean-Michel Maes
PHLAEOTHIRIPIDAE	<i>Holopnothrips sp.</i>	Jean-Michel Maes
PHLAEOTHIRIPIDAE	<i>Phrasterothrips conducans</i>	Jean-Michel Maes
PHLAEOTHIRIPIDAE	<i>Selenothrips rubrocinctus</i>	Jean-Michel Maes
COENAGRIONIDAE	<i>Argia pulla</i>	Jean-Michel Maes
BLATTELLIDAE	<i>Riattia flabellata</i>	Jean-Michel Maes
ANISOLABIDAE	<i>Carcinophora americana</i>	Jean-Michel Maes
TERMITIDAE	<i>Nasutitermes corniger</i>	Jean-Michel Maes

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INSECTS		
FAMILY	SPECIES	REPORTED BY
RHIPIPTERYGIDAE	<i>Merhipipteryx pulicaria</i> <i>ssp. pulicaria</i>	Jean-Michel Maes
TETRIGIDAE	<i>Chiriquia serrata</i>	Jean-Michel Maes
TETRIGIDAE	<i>Scaria fasciata</i>	Jean-Michel Maes
TETRIGIDAE	<i>Scaria hamata</i>	Jean-Michel Maes
TETTIGONIIDAE	<i>Orophus sp.</i>	Jean-Michel Maes
TETTIGONIIDAE	<i>Balboa tibialis</i>	Jean-Michel Maes
TETTIGONIIDAE	<i>Gongrocnemis sp.</i>	Jean-Michel Maes
TETTIGONIIDAE	<i>Parascopioricus sp.</i>	Jean-Michel Maes
TETTIGONIIDAE	<i>Pristonotus tuberosus</i>	Jean-Michel Maes
TETTIGONIIDAE	<i>Lirometopum coronatum</i>	Jean-Michel Maes
EUCHARITIDAE	<i>Orasema sp.</i>	Jean-Michel Maes
VESPIDAE	<i>Parachertergus apicalis</i>	Jean-Michel Maes
VESPIDAE	<i>Agelaia areata</i>	Jean-Michel Maes
VESPIDAE	<i>Epipona guerini</i>	Jean-Michel Maes
VESPIDAE	<i>Mischocyttarus</i> <i>melanarius</i>	Jean-Michel Maes
VESPIDAE	<i>Polistes erythrocephalus</i>	Jean-Michel Maes
VESPIDAE	<i>Polistes sp.</i>	Jean-Michel Maes
VESPIDAE	<i>Polybia diguetana</i>	Jean-Michel Maes
VESPIDAE	<i>Polybia emaciata</i>	Jean-Michel Maes
VESPIDAE	<i>Polybia occidentalis</i>	Jean-Michel Maes
VESPIDAE	<i>Synoeca septentrionalis</i>	Jean-Michel Maes
LYCAENIDAE	<i>Eumaeus minijas</i>	Jean-Michel Maes

LYCAENIDAE	<i>Panhiades ochus</i>	Jean-Michel Maes
LYCAENIDAE	<i>Parrhasius polibetes</i> ssp. <i>polibetes</i>	Jean-Michel Maes
LYCAENIDAE	<i>Thecla iopas</i>	Jean-Michel Maes
HYDROPSYCHIDAE	<i>Smicrida varia</i>	Jean-Michel Maes

REPTILES		
FAMILY	SPECIES	REPORTED BY
ALLIGATORIDAE	<i>Caiman crocodilus</i>	Ruíz, Zúñiga, Lezama
	<i>Crocodylus acutus</i>	Ruíz, Zúñiga, Lezama
BOIDAE	<i>Boa constrictor</i>	Rafael García
	<i>Corallus enydris</i>	Fabio Buitrago
COLUBRIDAE	<i>Oxybelis aeneus</i>	Ruíz, Zúñiga, Lezama
CHELONIIDAE	<i>Eretmochelys imbricata</i>	Carlos Calvo
	<i>Chelonia mydas</i>	Carlos Calvo
	<i>Caretta caretta</i>	C. Lagueux
DERMOCHELYDAE	<i>Dermochelys coriacea</i>	C. Lagueux
EMYDIDAE	<i>Trachemys scripta</i>	Fabio Buitrago
	<i>Rhinoclemys funerea</i>	Ruíz, Zúñiga, Lezama
	<i>Trachemys scripta</i>	Ruíz, Zúñiga, Lezama
IGUANIDAE	<i>Basiliscus plumifrons</i>	Ruíz, Zúñiga, Lezama
	<i>Basiliscus vittatus</i>	Ruíz, Zúñiga, Lezama
	<i>Ctenosaura similis</i>	Ruíz, Zúñiga, Lezama
	<i>Iguana iguana</i>	Ruíz, Zúñiga, Lezama
	<i>Norops acuaticus</i>	Ruíz, Zúñiga, Lezama
	<i>Norops lionotus</i>	Ruíz, Zúñiga, Lezama
VIPERIDAE	<i>Porthidium nasutum</i>	Ruíz, Zúñiga, Lezama
	<i>Bothrops asper</i>	Fabio Buitrago
	<i>Bothrops Schlegelii</i>	Arnulfo Medina

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AMPHIBIANS		
FAMILY	SPECIES	REPORTED BY
BUFONIDAE	<i>Bufo marinus</i>	Ruíz, Zúñiga, Lezama
	<i>Bufo coniferus</i>	Fabio Buitrago
DENDROBATIDAE	<i>Dendrobates pumilio</i>	Ruíz, Zúñiga, Lezama
	<i>Dendrobates auratus</i>	Ruíz, Zúñiga, Lezama
	<i>Colosthetus talamancae</i>	Fabio Buitrago
HYLIDAE	<i>Hyla rutifela</i>	Fabio Buitrago

LEPTODACTYLIDAE	<i>Eleutherodactylus noblei</i>	Fabio Buitrago
	<i>Leptodactylus pentadactylus</i>	Fabio Buitrago
RANIDAE	<i>Rana vaillanti</i>	Fabio Buitrago

AMPHIBIANS		
FAMILY	SPECIES	REPORTED BY
AGOUTIDAE	<i>Agouti paca</i>	Ruíz, Zúñiga, Lezama
BRADYPODIDAE	<i>Choleopus hoffmani</i>	Ruíz, Zúñiga, Lezama
	<i>Bradypus variegatus</i>	Ruíz, Zúñiga, Lezama
CEBIDAE	<i>Alouatta palliata</i>	Ruíz, Zúñiga, Lezama
	<i>Ateles geoffroyi</i>	Ruíz, Zúñiga, Lezama
	<i>Cebus capuchinus</i>	Ruíz, Zúñiga, Lezama
CERVIDAE	<i>Odocoileus virginianus</i>	Ruíz, Zúñiga, Lezama
	<i>Mazama americana</i>	Ruíz, Zúñiga, Lezama
DASYPROCTIDAE	<i>Dasyprocta punctata</i>	Ruíz, Zúñiga, Lezama
PHYLLOSTOMIDAE	<i>Artibeus jamaicensis</i>	Arnulfo Medina
	<i>Artibeus lituratus</i>	Arnulfo Medina
	<i>Artibeus watsoni</i>	Arnulfo Medina
	<i>Carollia perspicillata</i>	Arnulfo Medina
DESMODONTIDAE	<i>Desmodus rotundus</i>	Ruíz, Zúñiga, Lezama
DIDELPHIDAE	<i>Philander opossum</i>	Ruíz, Zúñiga, Lezama
	<i>Didelphis marsupialis</i>	Ruíz, Zúñiga, Lezama
ECHIMYIDAE	<i>Proechimys semiespinosus</i>	Ruíz, Zúñiga, Lezama
FELIDAE	<i>Felis concolor</i>	Ruíz, Zúñiga, Lezama
	<i>Panthera onca</i>	Ruíz, Zúñiga, Lezama
MUSTELIDAE	<i>Mustela frenata</i>	Ruíz, Zúñiga, Lezama
	<i>Tayra barbara</i>	Ruíz, Zúñiga, Lezama
	<i>Lontra longicaudis</i>	Ruíz, Zúñiga, Lezama
MYRMECOPHAGIDAE	<i>Tamandua mexicana</i>	Ruíz, Zúñiga, Lezama
	<i>Myrmecopaga tridactyla</i>	Ruíz, Zúñiga, Lezama
	<i>Microsciurus alfari</i>	Ruíz, Zúñiga, Lezama

SCIURIDAE	<i>Sciurus variegatoides</i>	Ruíz, Zúñiga, Lezama
TAPIRIDAE	<i>Tapirus bairdii</i>	Ruíz, Zúñiga, Lezama
TAYASSUIDAE	<i>Tayassu pecari</i>	Ruíz, Zúñiga, Lezama
	<i>Tayassu tajacu</i>	Ruíz, Zúñiga, Lezama
TRICHECHIDAE	<i>Trichechus manatus</i>	Ruíz, Zúñiga, Lezama

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FISH				
FAMILY	SPANISH COMMON NAME	ENGLISH COMMON NAME	SPECIES	REPORT ED BY
CARCHARHINIDAE	Tiburón toro	Bull shark	<i>Carcharhinus leucas</i>	Jaime Villa
PRISTIDAE	Pejesierras	Smalltooth sawfish	<i>Pristis pectinatus</i>	Jaime Villa
PRISTIDAE	Pejesierras	Sawfish	<i>Pejesierras</i>	Jaime Villa
LEPISOSTEIDAE	Gaspar	Tropical gar	<i>Atractosteus tropicus</i>	Jaime Villa
MEGALOPIDAE	Sábalo Real	Atlantic tarpon	<i>Tarpon atlanticus</i>	Jaime Villa
ANGUILLIDAE	Anguila	American eel	<i>Anguilla rostrata</i>	Jaime Villa
OPLUCHTHIDAE	Anguila gusano del Atlántico	Speckled worm eel	<i>Myrosophis punctatus</i>	Jaime Villa
CLUPEIDAE	Sabaleta de chaves	Nicaragua gizzard shad	<i>Dorosoma chavesi</i>	Jaime Villa
HARENGULA	Arengue de pensacola	Pensacola herring	<i>Harengula pensacola</i>	Jaime Villa
ENGRALIDAE	Anchoa	Anchovy	<i>Anchoa hepsetus</i>	Jaime Villa
ENGRALIDAE	Anchoa	Big-eye anchovy	<i>Anchoa lamprotaenia</i>	Jaime Villa
ENGRAULIDAE	Anchoa	(No common)	<i>Anchoa parva</i>	Jaime Villa

		name)		
ENGRAULIDA E	Anchoita larga	Elongate anchovy	<i>Anchoiella elongata</i>	Jaime Villa
CHARACINIDA E	Sabaleta	Blind cave fish	<i>Astyanax fasciatus</i>	Jaime Villa
CHARACINIDA E	Sabaleta de Bransford	Longjaw tetra	<i>Bramochara bransfordi</i>	Jaime Villa
ELOPIDAE	Sábalo del Atlántico	Ladyfish, tenpounder	<i>Elops saurus</i>	Jaime Villa
PIMELODIDAE	Chulín Guatemalteco	Guatemalan chulin	<i>Rhamdia guatemalensis</i>	Jaime Villa
CHARACINIDA E	Machaca	Machaca	<i>Brycon guatemalensis</i>	Jaime Villa
CHARACINIDA E	Sabaleta	Creek tetra	<i>Bryconamericus scleroparius</i>	Jaime Villa
CHARACINIDA E	Sabalito	Carlana tetra	<i>Carlana eigenmanni</i>	Jaime Villa
CHARACINIDA E	Sabaleta de tortuguero	Tortuguero tetra	<i>Hyphessobrycon tortuguerae</i>	Jaime Villa
CHARACINIDA E	Sabaleta de Guatemala	Guatemalan headstander	<i>Roeboides guatemalensis</i>	Jaime Villa
GYMNOTIDAE	Gimnoto cilíndrico	Knifefish	<i>Gymnotus cylindricus</i>	Jaime Villa
ARIIDAE	<i>Guicho</i>	Arius Catfish, Shark Catfish	<i>Arius assimilis</i>	Jaime Villa
ARIIDAE	<i>Bagre filamentoso</i>	Coco sea catfish	<i>Bagre filamentosus</i>	Jaime Villa
POECILIIDAE	<i>Olamina de</i>	Alfaro	<i>Alfaro</i>	Jaime Villa

	<i>Alfaro</i>		<i>cultratus</i>	
POECILIIDAE	<i>Pepesca Gaspar</i>	Pike livebearer	<i>Belonesox belizanus</i>	Jaime Villa
POECILIIDAE	<i>Olomina de Holdridgei</i>	Olomina	<i>Brachyrhapis hondrigei</i>	Jaime Villa
POECILIIDAE	<i>Pepesca de Nicaragua</i>	Nicaraguan mosquitofish	<i>Gambusia nicaraguensis</i>	Jaime Villa
ATHERINIDAE	<i>Sardina de Miller</i>	Silverside	<i>Melaniris milleri</i>	Jaime Villa
POECILIIDAE		Dwarf merry widow	<i>Phallichthys tico</i>	Jaime Villa
POECILIIDAE	<i>Olamina de Gill</i>	Gills molly, Costa Rica molly	<i>Poecilia gillii</i>	Jaime Villa
POECILIIDAE	<i>Pepesca común</i>	Molly	<i>Poecilia sphenops</i>	Jaime Villa
POECILIIDAE	<i>Pepesca de Panamá</i>	(No common name)	<i>Priapichthys panamensis</i>	Jaime Villa
ATHERINIDAE	<i>Sardina de Hubbs</i>	Silverside	<i>Melaniris hubbsi</i>	Jaime Villa
CYPRINODONTIDAE		Isthmian rivuline	<i>Rivulus isthmensis</i>	Jaime Villa
SYNGNATHIDAE	<i>Pejelápiz</i>	Freshwater pipefish	<i>Pseudopallus mindii</i>	Jaime Villa
SYNGNATHIDAE		Opossum pipefish	<i>Oostethus lineatus</i>	Jaime Villa
SYNBRANCHIIDAE	<i>Falsa anguila</i>	Blind swamp eel	<i>Ophisternon</i>	Jaime Villa
SYNBRANCHIIDAE	<i>Falsa anguila</i>	Marbled swamp eel	<i>Synbranchius marmoratus</i>	Jaime Villa
CENTROPOMIDAE	<i>Róbalo</i>	Swordspine snook	<i>Cetropomus ensiferus</i>	Jaime Villa
CENTROPOMI	<i>Róbalo</i>	Fat snook	<i>Centropomus</i>	Jaime Villa

DAE			<i>mus parallelus</i>	
CENTROPOMIDAE	<i>Calva</i>	Tarpon snook	<i>Centropomus pectinatus</i>	Jaime Villa
CENTROPOMIDAE	<i>Róbalo</i>	Common snook	<i>Centropomus undecimalis</i>	Jaime Villa
CARANGIDAE	<i>Caballa</i>	Crevalle jack	<i>Caranx hippos</i>	Jaime Villa
CARANGIDAE	<i>Pámpano</i>	Skipjack or leather jack	<i>Oligoplites saurus</i>	Jaime Villa
LUTJANIDAE	<i>Cají</i>	Schoolmaster snapper	<i>Lutjanus apodus</i>	Jaime Villa
LUTJANIDAE	<i>Cabera</i>	Cubera snapper	<i>Lutjanus cyanopterus</i>	Jaime Villa
LUTJANIDAE	<i>Pargo manglero</i>	Mangrove snapper	<i>Lutjanus griseus</i>	Jaime Villa
LUTJANIDAE	<i>Perro</i>	Dog snapper	<i>Lutjanus jocus</i>	Jaime Villa
GERREIDAE	<i>Mojarra playera</i>	Evermann's lantern fish	<i>Diapterus evermanni</i>	Jaime Villa
GERREIDAE	<i>Mojarra playera</i>	Striped mojarra	<i>Diapterus plumieri</i>	Jaime Villa
GERREIDAE	<i>Mojarra playera</i>	Irish pompano	<i>Diapterus olisthesomus</i>	Jaime Villa
GERREIDAE	<i>Mojarra playera</i>	Rhomboid mojarra	<i>Diapterus rhombeus</i>	Jaime Villa
GERREIDAE	<i>Mojarra playera</i>	Silver mojarra	<i>Eucinostomus argenteus</i>	Jaime Villa
GERREIDAE	<i>Mojarra playera</i>	Slender mojarra	<i>Eucinostomus jonesi</i>	Jaime Villa
GERREIDAE	<i>Mojarra playera</i>	Flag fin mojarra	<i>Eucinostomus melanopterus</i>	Jaime Villa
GERREIDAE	<i>Mojarra playera</i>	Yellow fin mojarra	<i>Gerres cinereus</i>	Jaime Villa

GERREIDAE	<i>Roncador</i>	Atlantic grunt	<i>Pomadasys boucardi</i>	Jaime Villa
GERREIDAE	<i>Roncador</i>	Burro grunt, Crocro roughneck	<i>Pomadasys crocro</i>	Jaime Villa
CICHLIDAE	<i>Mojarra de Alfaro</i>	Alfaro mojarra	<i>Cichlasoma alfaro</i>	Jaime Villa
CICHLIDAE	<i>Mojarra rayada</i>	Striped mojarra	<i>Cichlidae</i>	Jaime Villa
CICHLIDAE	<i>Mojarra común</i>	Midas cichlid, mojarra	<i>Cichlasoma citrinellum</i>	Jaime Villa
CICHLIDAE	<i>Guapote lagunero</i>	Dow's cichlid, lagunero	<i>Cichlasoma dowi</i>	Jaime Villa

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FISH				
FAMILY	SPANISH COMMON NAME	ENGLISH COMMON NAME	SPECIES	REPORTED BY
CICHLIDAE	<i>Guapotito</i>	Yellow jacket cichlid	<i>Cichlasoma friedrichsthalii</i>	Jaime Villa
CICHLIDAE	<i>Mojarra picuda</i>	Red devil	<i>Cichlasoma labiatum</i>	Jaime Villa
CICHLIDAE	<i>Carate pecho rojo</i>	Rose breasted cichlid	<i>Cichlasoma longimanus</i>	Jaime Villa
CICHLIDAE	<i>Palometa</i>	Black belt cichlid	<i>Cichlasoma maculicauda</i>	Jaime Villa
CICHLIDAE	<i>Guapote Barcino</i>	Jaguar cichlid	<i>Cichlasoma managuense</i>	Jaime Villa
CICHLIDAE	<i>Moga</i>	Nicaragua	<i>Cichlasoma</i>	Jaime Villa

	<i>amarilla</i>	cichlid	<i>a nicaragüense</i>	
CICHLIDAE	<i>Carate</i>	Convict cichlid	<i>Cichlasoma nigrofasciatum</i>	Jaime Villa
CICHLIDAE	<i>Carate</i>	(No common name)	<i>Cichlasoma rostratum</i>	Jaime Villa
CICHLIDAE	<i>Moga verde</i>	Meek fish	<i>Cichlasoma tuba</i>	Jaime Villa
CICHLIDAE	<i>Mojarrita</i>	Rainbow cichlid	<i>Herotilapia multispinosa</i>	Jaime Villa
CICHLIDAE	<i>Picaculo</i>	Poor man's fish	<i>Neetroplus nematopus</i>	Jaime Villa
MUGILIDAE	<i>Lisa</i>	Flathead mullet	<i>Mugil cephalus</i>	Jaime Villa
MUGILIDAE	<i>Lisa</i>	White mullet	<i>Mugil curema</i>	Jaime Villa
MUGILIDAE	<i>Lisa</i>	Mullet	<i>Mugil lisa</i>	Jaime Villa
MUGILIDAE	<i>Lisa</i>	Fantail mullet	<i>Mugil trichodon</i>	Jaime Villa
MUGILIDAE	<i>Bobo del atlántico</i>	Barbu	<i>Polydactylus virginicus</i>	Jaime Villa
ELEOTRIDAE	<i>Pejechanchero</i>	Fat sleeper	<i>Dormitator maculatus</i>	Jaime Villa
ELEOTRIDAE	<i>Guabina Lucia</i>	Large-scaled spiny cheek sleeper	<i>Eleotris amblyopsis</i>	Jaime Villa
ELEOTRIDAE		Spiny cheek sleeper	<i>Eleotris pisonis</i>	Jaime Villa
ELEOTRIDAE	<i>Dormiloncita</i>	Emerald sleeper	<i>Erotelis smaragdus</i>	Jaime Villa
ELEOTRIDAE	<i>Guabina del atlántico</i>	Bigmouth sleeper	<i>Gobiomorus dormitor</i>	Jaime Villa
ELEOTRIDAE	<i>Guabina</i>	<i>Guabina</i>	<i>Guabina guabina</i>	Jaime Villa
GOBIIDAE	<i>Tempechín del atlántico</i>	River goby, sandfish	<i>Awaous taitasica</i>	Jaime Villa

GOBIIDAE	<i>Guabinita</i>	Island frillfin	<i>Bathygobius mystacium</i>	Jaime Villa
GOBIIDAE	<i>Mapo</i>	Frillfin goby	<i>Bathygobius soporator</i>	Jaime Villa
GOBIIDAE	<i>Gobi</i>	Lyre goby	<i>Evorthodus lyricus</i>	Jaime Villa
GOBIIDAE	<i>Gobi</i>	Violet goby	<i>Gobioides broussonneti</i>	Jaime Villa
GOBIIDAE		Darter goby	<i>Gobionellus boleosoma</i>	Jaime Villa
GOBIIDAE		Sandfish	<i>Gobiojellus claytonii</i>	Jaime Villa
BOTHIDAE	<i>Sandifish</i>	Bay whiff	<i>Citharichthys spilopterus</i>	Jaime Villa
BOTHIDAE	<i>Sandifish</i>	Voodoo whiff	<i>Citharichthys uhleri</i>	Jaime Villa
SOLEIDAE	<i>Peje tortilla rayado</i>	Lined sole	<i>Achirus lineatus</i>	Jaime Villa
SOLEIDAE	<i>Peje tortilla</i>	Hogchoker sole	<i>Trinectes maculatus</i>	Jaime Villa
TETRAODONTIDAE	<i>Pejesapo</i>	Smooth puffer	<i>Lagocephalus laeugatus</i>	Jaime Villa
TETRAODONTIDAE	<i>Inflador punteado</i>	Bandtail puffer	<i>Sphoeroides spengleri</i>	Jaime Villa
TETRAODONTIDAE	<i>Mutrus</i>	Checkered puffer	<i>Sphoeroides testudineus</i>	Jaime Villa

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BIRDS		
FAMILY	SPECIES	REPORTED BY
ACCIPITRIDAE	<i>Pandion haliaetus</i>	Zúñiga, Lezama, Ruíz
ACCIPITRIDAE	<i>Elanoides forficatus</i>	Zúñiga, Lezama, Ruíz
ACCIPITRIDAE	<i>Elanus caeruleus</i>	Zúñiga, Lezama, Ruíz
ACCIPITRIDAE	<i>Buteogallus urubitinga</i>	Zúñiga, Lezama, Ruíz

ACCIPITRIDAE	<i>Busarellus nigricollis</i>	Zúñiga, Lezama, Ruíz
ACCIPITRIDAE	<i>Parabuteo unicinctus</i>	Zúñiga, Lezama, Ruíz
ACCIPITRIDAE	<i>Spizastur melanoleucus</i>	Zúñiga, Lezama, Ruíz
ACCIPITRIDAE	<i>Habia harpyja</i>	Zúñiga, Lezama, Ruíz
ACCIPITRIDAE	<i>Morphus guianensis</i>	Zúñiga, Lezama, Ruíz
ACCIPITRIDAE	<i>Milvago chimachima</i>	Zúñiga, Lezama, Ruíz
ALCEDINIDAE	<i>Ceryle torquata</i>	Zúñiga, Lezama, Ruíz
ALCEDINIDAE	<i>Ceryle alcyon</i>	Zúñiga, Lezama, Ruíz
ALCEDINIDAE	<i>Chloroceryle amazona</i>	Zúñiga, Lezama, Ruíz
ALCEDINIDAE	<i>Chloroceryle americana</i>	Zúñiga, Lezama, Ruíz
ANATIDAE	<i>Dendrocygna autumnalis</i>	Zúñiga, Lezama, Ruíz
ANATIDAE	<i>Cairina moschata</i>	Zúñiga, Lezama, Ruíz
ANATIDAE	<i>Heliornis fulica</i>	Zúñiga, Lezama, Ruíz
ARDEIDAE	<i>Tigrisoma lineatum</i>	Zúñiga, Lezama, Ruíz
ARDEIDAE	<i>Tigrisoma mexicanum</i>	Zúñiga, Lezama, Ruíz
ARDEIDAE	<i>Ixobrychus exilis</i>	Zúñiga, Lezama, Ruíz
ARDEIDAE	<i>Bubulcus ibis</i>	Zuñiga, Lezama, Ruíz
ARDEIDAE	<i>Butorides s. Virescens</i>	Zuñiga, Lezama, Ruíz
ARDEIDAE	<i>Egretta caerulea</i>	Zuñiga, Lezama, Ruíz
ARDEIDAE	<i>Egretta rufescens</i>	Zuñiga, Lezama, Ruíz
ARDEIDAE	<i>Egretta thula</i>	Zuñiga, Lezama, Ruíz
ARDEIDAE	<i>Casmerodius albus</i>	Zuñiga, Lezama, Ruíz
ARDEIDAE	<i>Ardea herodias</i>	Zuñiga, Lezama, Ruíz
BUCCONIDAE	<i>Monasa morpheus</i>	Zuñiga, Lezama, Ruíz
CAPRIMULGIDAE	<i>Nyctidromus albicollis</i>	Zuñiga, Lezama, Ruíz
CAPRIMULGIDAE	<i>Caprimulgus carolinensis</i>	Zuñiga, Lezama, Ruíz
CATHARIDAE	<i>Numenius phaeopus</i>	Zúñiga, Lezama, Ruíz
CATHARIDAE	<i>Charadrius wilsonia</i>	Zúñiga, Lezama, Ruíz
CATHARIDAE	<i>Charadrius semipalmatus</i>	Zuñiga, Lezama, Ruíz

CATHARIDAE	<i>Cathartes aura</i>	Zuñiga, Lezama, Ruíz
CATHARIDAE	<i>Coragyps atratus</i>	Zuñiga, Lezama, Ruíz
CATHARIDAE	<i>Sarcoramphus papa</i>	Zuñiga, Lezama, Ruíz
CICCONIIDAE	<i>Micteria americana</i>	Zuñiga, Lezama, Ruíz
CICCONIIDAE	<i>Mesembrinibis cayennensis</i>	Zuñiga, Lezama, Ruíz
COLUMBIDAE	<i>Columba cayennensis</i>	Zuñiga, Lezama, Ruíz
COLUMBIDAE	<i>Columba flavirostris</i>	Zuñiga, Lezama, Ruíz
COLUMBIDAE	<i>Columba nigrirostris</i>	Zuñiga, Lezama, Ruíz
COLUMBIDAE	<i>Claravis pretiosa</i>	Zuñiga, Lezama, Ruíz
COLUMBIDAE	<i>Columbina talpacoti</i>	Zuñiga, Lezama, Ruíz
COLUMBIDAE	<i>Leptotila verreauxi</i>	Zuñiga, Lezama, Ruíz
CRACIDAE	<i>Ortalis cinereiceps</i>	Zuñiga, Lezama, Ruíz
CRACIDAE	<i>Crax rubra</i>	Zuñiga, Lezama, Ruíz
CRACIDAE	<i>Penelope purpurascens</i>	Zuñiga, Lezama, Ruíz
CUCULIDAE	<i>Piaya cayana</i>	Zuñiga, Lezama, Ruíz
CUCULIDAE	<i>Crotophaga sulcirostris</i>	Zuñiga, Lezama, Ruíz
DENDROCOLAPTIDAE	<i>Dendrocincla fuliginosa</i>	Zuñiga, Lezama, Ruíz
DENDROCOLAPTIDAE	<i>Dendrocincla homochroa</i>	Zuñiga, Lezama, Ruíz
DENDROCOLAPTIDAE	<i>Sittasomus griseicapilus</i>	Zuñiga, Lezama, Ruíz
DENDROCOLAPTIDAE	<i>Glyphorhynchus spirurus</i>	Zuñiga, Lezama, Ruíz
DENDROCOLAPTIDAE	<i>Lepidocolaptes souleyetti</i>	Zuñiga, Lezama, Ruíz
FALCONIDAE	<i>Herpetotheres cachinnans</i>	Zuñiga, Lezama, Ruíz
FALCONIDAE	<i>Micrastur mirandollei</i>	Zuñiga, Lezama, Ruíz
FALCONIDAE	<i>Falco sparverius</i>	Zuñiga, Lezama, Ruíz
FALCONIDAE	<i>Micrastur semitorquatus</i>	Zuñiga, Lezama, Ruíz
FORMICARIIDAE	<i>Automolus ochrolaemus</i>	Zuñiga, Lezama, Ruíz
FORMICARIIDAE	<i>Xenops minutus</i>	Zuñiga, Lezama, Ruíz

FORMICARIIDAE	<i>Microrhopias quixensis</i>	Zuñiga, Lezama, Ruíz
FORMICARIIDAE	<i>Myrmotherula axillaris</i>	Zuñiga, Lezama, Ruíz
GALBULLIDAE	<i>Jacamerops aurea</i>	Zuñiga, Lezama, Ruíz
JACANIDAE	<i>Aramides cajanea</i>	Zuñiga, Lezama, Ruíz

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BIRDS		
FAMILY	SPECIES	REPORTED BY
JACANIDAE	<i>Porphyryla martinica</i>	Zuñiga, Lezama, Ruíz
JACANIDAE	<i>Jacana spinosa</i>	Zuñiga, Lezama, Ruíz
JACANIDAE	<i>Eurypyga helias</i>	Zuñiga, Lezama, Ruíz
LARIDAE	<i>Larus atricilla</i>	Zuñiga, Lezama, Ruíz
LARIDAE	<i>Sterna sp.</i>	Zuñiga, Lezama, Ruíz
MOMOTIDAE	<i>Electron carinatum</i>	Zuñiga, Lezama, Ruíz
PELECANIFORMES	<i>Pelecanus occidentalis</i>	Zuñiga, Lezama, Ruíz
PELECANIFORMES	<i>Phalacrocorax olivaceus</i>	Zuñiga, Lezama, Ruíz
PELECANIFORMES	<i>Anhinga anhinga</i>	Zuñiga, Lezama, Ruíz
PELECANIFORMES	<i>Fregata magnificens</i>	Zuñiga, Lezama, Ruíz
PICIDAE	<i>Melanerpes pucherani</i>	Zuñiga, Lezama, Ruíz
PICIDAE	<i>Celeus castaneus</i>	Zuñiga, Lezama, Ruíz
PICIDAE	<i>Dryocopus lineatus</i>	Zuñiga, Lezama, Ruíz
PICIDAE	<i>Campephilus guatemalensis</i>	Zuñiga, Lezama, Ruíz
PSITTACIDAE	<i>Ara ambigua</i>	Zuñiga, Lezama, Ruíz
PSITTACIDAE	<i>Ara macao</i>	Zuñiga, Lezama, Ruíz
PSITTACIDAE	<i>Amazona farinosa</i>	Zuñiga, Lezama, Ruíz
PSITTACIDAE	<i>Amazona autumnalis</i>	Zuñiga, Lezama, Ruíz
PSITTACIDAE	<i>Pionus senilis</i>	Zuñiga, Lezama, Ruíz
PSITTACIDAE	<i>Aratinga finschi</i>	Zuñiga, Lezama, Ruíz
PSITTACIDAE	<i>Aratinga nana</i>	Zuñiga, Lezama, Ruíz
PSITTACIDAE	<i>Brotogeris jugularis</i>	Zuñiga, Lezama, Ruíz
RALLIDAE	<i>Laterallus albigularis</i>	Zuñiga, Lezama, Ruíz
RAMPHASTIDAE	<i>Pteroglossus torquatus</i>	Zuñiga, Lezama, Ruíz
RAMPHASTIDAE	<i>Pteroglossus frantzii</i>	Zuñiga, Lezama, Ruíz
RAMPHASTIDAE	<i>Ramphastos sulfuratus</i>	Zuñiga, Lezama, Ruíz

RAMPHASTIDAE	<i>Selenidera spectabilis</i>	Zuñiga, Lezama, Ruíz
RAMPHASTIDAE	<i>Ramphastos swainsonii</i>	Zuñiga, Lezama, Ruíz
SCOLOPACIDAE	<i>Actitis macularia</i>	Zuñiga, Lezama, Ruíz
STRIGIFORMES	<i>Tyto alba</i>	Zuñiga, Lezama, Ruíz
STRIGIFORMES	<i>Pulsatrix perspicillata</i>	Zuñiga, Lezama, Ruíz
STRIGIFORMES	<i>Glaucidium minutissimum</i>	Zuñiga, Lezama, Ruíz
TINAMIDAE	<i>Tinamus major</i>	Zuñiga, Lezama, Ruíz
TINAMIDAE	<i>Crypturellus boucardi</i>	Zuñiga, Lezama, Ruíz
TINAMIDAE	<i>Crypturellus soui</i>	Zuñiga, Lezama, Ruíz
TINAMIDAE	<i>Crypturellus cinnamomeus</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Glaucis aenea</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Phaetornis superciliosus</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Phaetornis guy</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Phaetornis longuemarus</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Thalurania colombica</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Amazilia tzacatl</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Hylocharis eliciae</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Amazilia rutila</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Trogon massena</i>	Zuñiga, Lezama, Ruíz
TROCHILIDAE	<i>Trogon rufus</i>	Zuñiga, Lezama, Ruíz

ANNEX 41

Meyrat, Alan. The Biological Stretch of Southeast Nicaragua: Important Space for the Conservation of Nature. MARENA-ARAUCARIA, 2006. [Extracts]



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The Landscape and Ecosystems

Using an adaptation of the *Physiognomic – Ecological Classification System of Plant Formations of the Earth* published by UNESCO (Ellenberg & Mueller-Dombois, 1987), at least 19 natural ecosystems and two ecosystems inhabited by humans were identified in Southeast Nicaragua (Meyrat, 2001a). Of the natural ecosystems, 15 are land systems and four are aquatic. Of the land ecosystems, there are 11 forest variants (ten evergreen forests, from coastal to sub-mountainous in the continental zone, and one semi-deciduous forest on the Solentiname archipelago), three savanna variants and one riverine grassland variant. Of the aquatic ecosystems, two are marine / coastal systems (coastal lagoon and estuary) and two are freshwater systems (lake and freshwater plant mosaic). In the freshwater plant mosaic, there are at least seven types of ecosystems of dimensions that cannot be mapped on a large scale. For this reason, using a more detailed classification, it is possible to claim that there are 26 different ecosystems in the sector.

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In an undisturbed forest, no species can be considered dominant from the perspective of abundance. In neighboring forests in Costa Rica, some 273 vascular plant species (Hartshorn, 1983) combine to make up this type of plant formation. *Flora de Nicaragua* (Stevens et al., 2001) identifies 178 species, of which 39 are rare, 22 are uncommon and 15 have a restricted range of distribution from Nicaragua to Panama.

Typically, this forest has four strata:

1. The canopy of high trees (30 – 40 meters). This is formed by Andiroba (*Carapa guianensis*), Guanandi (*Calophyllum brasiliense*), Pansubá (*Lecythis amplia*), White oliver (*Terminalia amazonica*), Copinol (*Hymenea courbaril*), Chicle (*Manilkara chicle*) and Cortéz (*Tabebuia guayacan*).

2. Sub-canopy (10 – 15 meters) of medium and young replacement trees, including: Oil Tree (*Pentaclethra macroloba*), *Anaxagorea crassipetala*, Mangan Larga (*Xilopia bocatorena* and *X. sericea*), Cedar, Vaquero (*Dendropanax arboreus*), different Shimbillos (*Inga spp.*), Terciopelo (*Alchornea costarricense*), Wild Nutmeg (*Virola koschnyi*), Huito (*Genipa*

americana), Peine de Mico (*Apeiba membranaceae*), Sangre de Mono (*Pausandra trianae*), Sietenudos (*Rinorea squamata*), accompanied by certain high palms (*Arecáceas*), Walking Palm (*Socratea exorrhiza*), Palmilera (*Welfia georgii*) and Copa Palm (*Iriartea deltoidea*).

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3. Low trees, replacement trees, high bushes and a variety of palms: Pasica (*Pourouma bicolor*), Plátano (*Psycotria grandis*), *P. elata*, Capirote (*Miconia spp.*) Coligallo Palm (*Calyptrogyne ghiesbreghtiana*), Copa Palm (*Iriartea deltoidea*) and Arborescent Fern (*Cyathea multiflora*).

4. Low herbaceous plants of less than two meters in height, more or less open (may not be present in 50% of cases): abundant *Rubiaceae* and *Melastomataceae*, with palms of different genera and herbaceous ferns. The following are among the interesting components: Florida arrowroot (*Zamia spp.*) various palms: Palma Rooster Tail Palm (*Calyptrogyne sp.*), Palma Suita (*Asterogyne martiana*), Palma Caña de Danto (*Reinhardtia spp.* and *Geonoma spp.*), Chontadura (*Astrocaryum confertum*, recently reported in Nicaragua), herbaceous ferns (*Cnemidaria*, *Adiantum*, *Polypodium*, *Polystichum*, *Campyloneurum*) and Aequimea (*Aechmea magdaleneae*).

The lianas (generally ligneous), pseudo-lianas (which germinate in the branches and then take root in the soil), and epiphytes are more or less abundant depending on the type of forest. On low terrain (near the coast) and high terrain (mountains), vascular epiphytes are more abundant due to the presence of mist. Predominant in the low canopy are encircling climbing epiphytes of the following families: *Araceae* (*Anthurium*, *Monstera*, *Syngonium*) *Ciclantaceae* (*Asplundia*) and certain ferns. Predominant in the higher canopy areas are the *Bromeliaceae* families (*Guzmania*, *Vrisea*, *Achmea*, *Tillandsia*),

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TAXONOMIC SPECIES GROUP	GENERA	FAMILIES
FISH (LAKE) 47	29	16

AMPHIBIAN	27	11	8
REPTILES	33	25	11
BIRDS	388	214	61
MAMMALS	60	51	23
TOTAL	555	330	119

Table 1. Number of species, genera and families by taxonomic group of vertebrates in the Southeastern Zone of Nicaragua. Data from FUNDAR (2004), for Bird from Arróliga & Herrera – Rosales (2000) and for Fish de Astorqui (1984).

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Among the most commonly seen birds are eight species of psittacines, including four parakeets or “Chocoyos” and Cotorras (*Aratinga*, *Brotogeris*, *Jugularis* and *Pionus*), three Parrots (*Amazona*) and two Macaws: green (*Ara ambigua*) and red (*A. Macao*). In addition, there are three species of the most commonly seen toucans (one *Pteroglossus* and two *Ramphastos*). Very conspicuous are two species of Oropendolas (*Psarocolius spp.*) that make hanging nests grouped in tree branches (FUNDAR, 2004).

There are three species of birds with high hunting value for the local population: typical guans (*Penelope*), curassows (*Crax*) and tinamous (*Tinamus*). The most important raptors include the American Harpy Eagle (*Harpia harpyia*) and the Crested Eagle (*Morphnus guianensis*) (FUNDAR, 2004).

A total of 60 species of **mammals** have been identified in the zone: five didelphids (*Zarigueyas*), five edentates (armadillos and similar mammals), 26 bats, three monkeys, seven rodents, nine carnivores, one perissodactyle (tapir) and four artiodactyls (pigs and deer). Among these mammals, 39 are covered by legal protection due to a certain level of vulnerability (CITES, appendixes I, II, III or national hunting bans). More studies have been carried out on mammals than on other groups, covering ecological aspects: on the Manatee (Jiménez, 1999), on the Wild Boar or Jabalí (Altrichter & Jiménez, 1999),

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on Danto and Jaguar distribution and the hunting of species (Almanza & Medina, 2001).

Among the Toothless are: the Giant Anteater (*Myrmecophaga*), the Common Anteater (*Tamandua*), the Sloth (*Choloepus*) and the Armadillo (*Dasypus*) (FUNDAR, 2004). Primates (monkeys) include three species, the most common of which is the Congo or Howler Monkey (*Alouatta*), followed by the Spider Monkey (*Ateles*); the third and least common species is the White-faced Monkey (*Cebus*). Six species have been recorded under the order of carnivore: Coati (*Nasua*), Kinkajou (*Potos*), Tayra (*Eira*), an American Otter (*Lontra*) and three species of felines: the Ocelot (*Leopardus*), the Jaguar or American Tiger (*Panthera*) and the Puma or American Lion (*Puma*) (FUNDAR, 2004).

Under the perissodactyle order is the Danto or Tapir (*Tapirus*). Of the four species of artiodactyls (pigs and deer), two are endangered: the White-lipped Peccary (*Tayassu*) and the Wild Boar or Jabalí (*Dicotyles*). The other two species are more abundant: the White-tailed Deer (*Odocoileus*) and the timid Brocket Deer (*Mazama*) (FUNDAR, 2004). There are 26 species of bats with strong populations. Most are of the subfamily Phyllostomidae. There are three species of larger rodents: Common Agouti (*Dasyprocta*), Paca (*Agouti*) and the Porcupine (*Coendou*). There are four known species of smaller rodents, the most important of which is the Central American dwarf squirrel (*Microsciurus alfari*) (FUNDAR, 2004).

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A large number of insect species have been collected by naturalists in transit since the days of inter-oceanic transport. Collections are currently being taken according to taxonomic group by the Entomological Museum of León, focusing mainly on Lepidoptera and Coleoptera. There are three new reports of Lepidoptera Sphingidae for Nicaragua. Under the Coleoptera order, several Scarabaeidae are new to Nicaragua, in the subfamilies Rutelinae and Dynastinae (Jean-Michel Maes, in litteris).

Aquatic Fauna

The American otter (*Lontra*), crocodile (*Crocodylus*) and caiman (*Caiman*) are seen in rivers, channels and lagoons. The caiman is found in the most extensive area, reaching the coastal zones and mangroves, similar to the herbivorous mammal, the manatee (*Trichecus*) (FUNDAR, 2004).

The Caribbean coast is used by different species of turtle to nest, including the green sea turtle (*Chelonia mydas*), the Caguama or loggerhead sea turtle (*Careta careta*), the black sea turtle (*Chelonia agassizii*) and the Atlantic leatherback turtle (*Dermochelys coriacea*) (Lageux, 2000). According to Nietschmann (1977), the best egg-laying sites of the hawksbill sea turtle (*Eretmochelys imbricata*) are found to the south.

According to Astorqui (1984), 47 species of fish are found in Lake Nicaragua, grouped into 29 genera of 16 families (listed in Meyrat et al., 2001b). The San Juan River is one of the migratory routes for saltwater species whose special osmotic adaptation to brackish and freshwater conditions is unique in the

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world and of great interest to scientists (Villa, 1982). Among these species are the bull shark (*Carcharhinus leucas*) and two species of sawfish (*Pristis pectinatus* and *P. perotteti*). Other migratory fish include the tarpon (*Tarpon atlanticus*), the fat snook (*Centropomus parallelus*), the tropical gar (*Atractosteus tropicus*) and the bigclaw river shrimp (*Macrobrachium carcinus*), which are in high demand and can be bred in ponds. Migratory aquatic species are of great value to local fishers along the San Juan River and on Lake Cocibolca. In their journey via the San Juan River, these species face several bottleneck sectors, one of which is in front of El Castillo. In 1982, Villa referred to the effects of fishing of the populations of several species. These observations have since been confirmed by local inhabitants.

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Wood Varieties

There is a broad variety of precious woods in the territory. The best known timber tree is the Granadillo, Ñambar, Cocobolo or Rosewood (*Dalbergia retusa*), the wood from which has beautiful graining, natural shine and a natural insecticide to preserve it. In the US market for materials for sculptors and artisans, this wood is valued at US\$ 40 per kilogram, regardless of the shape of the piece. Other precious woods include Granadillo (*Platymiscium* spp.), Copinol (*Hymenea courbaril*) and Mora (*Maclura tinctoria*), all with high demand and value among local artisans in the department of Masaya. The following species are commonly used to make quality furniture:

Big Leaf Mahogany (*Swietenia macrophylla*), Spanish Cedar (*Cedrela odorata*), Laurel (*Cordia alliodora*), Pansubá or Olla de Mono Pot (*Lecythis amplá*), Batibatra (*Enterolobium shomburkii*) and Pink Pouí (*Tabebuia rosea*). With opposite qualities, Balsa wood (*Ochroma pyramidá*) is very light and was used in the past as an insulator for the packing of fragile articles and for the fabrication of life preservers. Balsa has now been replaced by plastics for these uses. The wood's current usage is limited to the manufacturing of souvenirs (brightly-colored birds and fishes), a specialty of the artisans of Solentiname.

Certain trees provide wood of high durability under stress, torsion and wear and are used as high-wire posts and fence posts, pillars in house construction, planks for flooring and guardrails for trucks. However, few national sawmills have appropriate machinery to cut these species, which include: Oil tree (*Pentaclethra macroloba*), Chicle (*Manilkara chicle*), Almendro

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(*Dipteryx oleifera*), Cabbage angelin (*Andira inermis*), Nancitón (*Hyeronima alchorneoides*), Comenegro (*Dialium guianensis*) and Goncalo alves (*Astronium graveolens*). The following are among the wood species used and sold locally: Guarandi (*Calophyllum brasiliense*), Guasimo Colorado (*Luehea seemannii*), Kamibar (*Copaifera aromatica*), Andiroba (*carapa guianensis*), Kapok (*Ceiba pentandra*), Wild Cashew (*Anacardium excelsum*), Guayabo (*Terminalia spp.*) and Pronto Alivio (*Guarea sp.*).

Plants of Ecological Value

Certain plants have high value as important food sources for multiple species of fauna, from insects to mammals. The most important and conspicuous of these plants include: Almendro (*Dipteryx oleifera*), Guaba Cuajiniquil (*Inga vera spuria*), Zygia (*Pithecellobium latifolium*), Canelo Negro (*Nectandra reticulata*), Azufre (*Garcinia edulis*), Matapalos or Higerones (*Ficus spp.*: *F. glabrata*; *F. maxima*; *F. tonduzii*; *F. pertusa*), and Papaya de Monte (*Carica pennatula*). Some of these trees are host to different species of epiphytes and shelter iguanas and various birds. Certain epiphytic bromeliads form micro-lagoons that accumulate water, where the eggs and tadpoles of several species of small frogs and salamanders are laid and develop.

ANNEX 42

**Ministry of the Environment and Natural Resources, *Indio Maíz*
Biological Reserve Management Plan, 2005-2010 Period. Fourth
Version, 9 May 2006. [Extracts]**



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c.7. Fauna:

The existence of diverse ecosystems and habitats in the Indio Maíz Biological Reserve allows for the presence and development of a large diversity of American tropical wildlife fauna until now unknown. There are no complete fauna studies for this Reserve; the reports that have been obtained are the result of rapid ecological assessments and scientific expeditions, following the redefinition of the boundaries of all protected areas in Southeast Nicaragua (Government of Nicaragua. 1999e), which are summarized in Table 3.

The group of birds is very diverse. Numerous species of terrestrial and aquatic birds live in or transit through the reserve. To date, a total of 221 species have been identified.

Among the most common species are the olive tanager (*Chlorothraupis carmioli*), red-throated ant-tanager (*Habia fuscicauda*), tawny-crested tanager (*Tachyphonus delattrii*), black-headed trogon (*Trogon melanocephalus*), rufous motmot (*Baryphthengus martii*) and oropendolas (*Psarocolius montezuma* and *P. Wagleri*), among others.

Bird species of great national and international importance, which are in danger of extinction and contained in the lists of species protected by the Government of Nicaragua, CITES Annexes, and total and partial closed seasons, live in the well-conserved forest of the Reserve. These include, inter alia, the American harpy eagle (*Harpia harpyja*), a species that needs extensive forested areas like those existing in this Reserve in order to survive, the great green macaw (*Ara ambigua*), whose population has been reduced by habitat alterations, deforestation and illegal trafficking, and the Three-wattled bellbird (*Procnias tricarunculata*), a species included in the IUCN's global red list for Nicaragua.

The coastal marine zone is a major habitat for aquatic and seabirds in the Caribbean. There are abundant flocks of migratory species, among others, golden plovers, western sandpipers and Peruvian boobies. There is also an abundance of herons, seagulls, frigates and pelicans. In the shore forests, an endless number of bird species has been observed that reside close to bodies of water, among others: herons, golden plovers, common kingfishers and tanagers. A particularly colourful species is the sunbittern (*Eurypyga helias*, found in streams and rocky gullies.

Mammals are represented by 65 species. The excellent state of conservation of the Reserve allows for the existence of stable populations of mammals in danger of extinction, which have been eradicated from other zones of the country, including, among others: peccaries (*Dicotyles pecari* and *Tayassu tajacu*), Baird's tapirs (*Tapirus bairdii*) and three feline species (*Pantera onca*, *Puma concolor* and *Leopardus pardalis*).

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The chiroptera order is the best represented, with 27 species, among which the species of the Phyllostomidae family stand out. The chiropteres maintain important ecological relations in the forest, acting as seed dispersers, pollinators and biological controllers.

The Indio Maíz Biological Reserve houses abundant and excellent habitats to maintain an important population of manatees (*Trichechus manatus*). This herbivorous aquatic mammal species, characteristic of the American tropics, is a highly valued and important species threatened by extinction. This large and human-like mammal is an important part in the mythology of different indigenous groups that live in the region (Jiménez, 1998).

The herpetofauna of the Indio Maíz Biological Reserve is represented by 55 reptile and 34 amphibian species. The Reserve houses approximately 33% of the national herpetofauna, according to the registrations presented by Kolher, 2001; Ruíz and Buitrago 2003.

Species of great importance are found in the coastal marine zone, including hawksbill, leatherback and green sea turtles (*Eretmochelys imbricata*, *Dermochelys coriacea* and *Chelonya mida*). The populations are on the decline due to predation of nests and shrimp boats that do not use turtle excluder devices (TED), recommended to prevent capture and death of sea turtles in their dragnets.

Among others, reptilian (*Norops limifrons*, *Corytophanes cristatus*, *Ameiva festiva* and *Iguana iguana*) and amphibian (*Dendrobates auratus*, *D. pumilio*, *Rana warszewitschii* and *Eleutherodactylus fitzingeri*) species are broadly distributed in the forested area. The range of distribution of the yellow-flecked glassfrog (*Cochranella albomaculata*), which was found in this reserve by Paez, et al in 2004, has extended from north to south given that it has been reported in the Saslaya hill in the Atlantic North. The iguanidae (*polychrus guttuerosus*) species has also been confirmed in Nicaragua.

The reserve's hydro-biological resources are little documented. However, there is an immense potential for aquatic fauna in the rivers and coastal marine zone, as well as migratory species of great economic value, such as lobster, sea bass and

fat snook. The Caribbean spiny lobster (*Panulirus argus*) travels from the north of Puerto Cabezas to spawn in the rocky marine platform of San Juan de Nicaragua. This coastal marine zone also has marine shrimp species, which are heavily commercially exploited by artisan fishermen, although industrial shrimp boats also capture these species illegally in zones that are prohibited under the Fishing Law, which provides that industrial fishing in zones that are earmarked for artisan fishing or in unauthorized zones is a serious crime. (Government of Nicaragua 2004)

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A very important species in the diet of the Rama indigenous community is the bigclaw river shrimp (*Macrobranchium carcinus*), a large-size species of excellent flavour. Since this species is commercially important, there is strong pressure on its natural population. These shrimps migrate to spawn in the brackish waters of the estuaries.

In the rivers and streams of the reserve, machaca and rainbow bass (*Brycon guatemalensis* and *paereochromus spp*) are the predominant species (Urteaga, 2002). Large fish are also found in these rivers, such as the tropical gar (*Atractosteus tropicus*), a species of great ecological value in the rivers of the reserve, which is subject to significant bi-national fishing activity for sports fishermen.

The insect group is very diverse. Preliminary studies report 149 species. The most prominent insect species are indicative of the level of conservation or alteration of the habitats. In 2004, Arana and Tórrez found the presence of the clear wing butterfly (*Cithaerias menander*), whose population declines as disturbances increase. The host plant of this species is unknown, but adults feed on fruits and mushrooms that are decomposing, which usually occurs in a closed canopy forest. They also found that the abundant population of the giant beetle (*Phyllophaga gigantea*) declines as the disturbance of the landscape increases. This proves that this species is indicative of disturbances, is highly humid bio-geographical zones. On the other hand, the relative abundance of the scarab beetle (*Dyscinetus laevipunctatus*) species increases as the disturbance of the habitat increases. Although, this species is characteristic of a semi-aquatic habitat.

In the Indio Maíz Biological Reserve, the Scarabaeidae species (*Cyclocephala fulgurata*) was first reported in Nicaragua in 2004 by Arana and Tórrez, as well as the Darwin Hawkmoth (*Amphimoea walkeri*), which had not been captured in the country since mid-19th century.

Table 3. Consolidated List of Fauna Species, Indio Maíz Biological Reserve

Taxonomic Group		Birds	Mammals	Amphibians	Reptiles	Fish	Insects
	VPN	16	8	3	5		
	VNI	24	15		2		
Species in national closed seasons	I	3	8		1		
Species in CITES Appendixes	II	32	4	2	5		
	III	3	8		3		
	VC	3	8	6	7		
	RL	1	8		2		
Total species		221	65	34	55	149	
Migratory species		29					

(...)

(-101-)

a. Diversity and wealth of species

a.1. Flora and Fauna

The existence of large, well-conserved humid tropical forests, temporarily flooded sites and coastal marine areas give to the Reserve a unique characteristic of wealth and diversity of plant species and ecosystems.

A total of 369 plant species have been recorded (Fundar database, 2004). New flora species have been identified for Nicaragua, including five palm species, one of them being a new report for science (Coronado 2000).

To provide an overall idea of the area's importance, we can highlight some species of great ecological and economic value and beauty that so far have only been

sighted in this Reserve, including, among others: (*Lycopodiella* sp.) in the undergrowth and (*Podocarpus guatemalensis* and *Colpothrinax aphanopetala*) among the brushwood (Rayos and Pilarte, 2004).

The degree of conservation allows for the presence of a great diversity and wealth of fauna species in this reserve. Reports have been mainly based on scientific expeditions and rapid ecological assessments, indicating the presence of 221 bird species (27 migratory) (Amigos de la tierra 1996, Arróliga et al 2002, Arróliga and Herrera - Rosales 2004), 65 mammal species (Amigos de la tierra 1996, Medina et al 2002, Arróliga and Herrera Rosales 2004), 34 amphibian species, 55 reptile species and 57 insect species (Amigos de la Tierra 1996, Schmidt and Blas, 2002). It is also known that the Caribbean spiny lobster (*Panulirus argus*) and four Caribbean shrimp species *Panaeus* spp travel to the coastal marine zone of the reserve. The river shrimp (*Macrobrachium carcinus*) has also been found in the rivers that cross the reserve. In addition, 24 fish species have been identified (Amigos de la Tierra 1996, Urteaga 2002).

a.2. Heraldic Value

In a natural habitat like the Indio Maíz Biological Reserve, each species performs a specific function, which makes them all important. Some species, however, are particularly valuable given their uniqueness or level of threat and could be representative of the value of this Reserve. The species identified for its heraldic value is the manatee (*Trichechus manatus*), a little known herbivorous mammal which reaches up to three meters in length and weighs more than half a ton. Only three manatee species exist in the world, all of which are in danger of extinction (Jiménez 2000). The species found in this reserve is only found in the Caribbean Sea and it is very scarce.

ANNEX 43

**Public Prosecutor's Office of San Carlos, Rio San Juan, Nicaragua.
"Criminal Complaint 000/06."**

21 December 2006

ANNEX 44

“The Annotated Ramsar List: Nicaragua.”

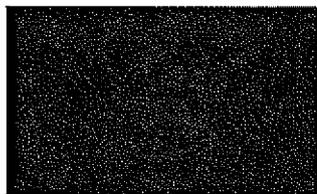
The Ramsar Convention on Wetlands.

Source: http://www.ramsar.org/profile/profiles_nicaragua.htm

The Annotated Ramsar List: Nicaragua

The Annotated Ramsar List of Wetlands of International Importance

NICARAGUA



The Convention on Wetlands came into force for Nicaragua on 30 November 1997. Nicaragua presently has 8 site designated as a Wetland of International Importance, with a surface area of 405,691 hectares.

(...)

Cayos Miskitos y Franja Costera Inmediata. 08/11/01; Atlántico Norte; 85,000 ha; 14°23'N 082°46'W. Marine Biological Reserve. Offshore Caribbean island and shoals and adjacent mainland coastal areas 12km to the west, comprising an impressive array of wetland types, principally frequently-flooded areas dominated by shrubs, riverine systems in which are found gallery forests, and estuaries bordered by mangrove forests in near-natural state. At the Cayos Miskitos Reserve, there is one of the largest extensions of sea grass in the Caribbean, intermingled with coral reefs, areas which support several rare and endangered species, including the Green Turtle (*Chelonia mydas*), Hawksbill Turtle (*Eretmochelys imbricata*), the Caribbean manatee (*Trichechus manatus*), the "Tucuxi" freshwater dolphin *Sotalia fluviatilis*, and caiman crocodile (*Crocodylus fuscus*). The Association of Indigenous Women of the Costa Atlántica recently initiated a promising ecotourism project. Ramsar site no. 1135. Most recent RIS information: 2001.

Deltas del Estero Real y Llanos de Apacunca. 08/11/01; Chinandega; 81,700 ha; 12°53'N 087°13'W. Natural Reserve. An estuarine ecosystem that is part of the large mangrove systems of the Golfo de Fonseca shared with El Salvador and Honduras, marked by semi-intensive and extensive shrimp cultivation, fishing, and agriculture. Within the site some 35 species of fauna have been identified, and part of the site was declared a Reserve for

Genetic Resources in 1996 in order to preserve a species of wild maize (*Zea luxurians* or *nicaraguensis*) that is endemic to Nicaragua and found only in this area. The original diversity of the site has suffered from human impacts such as agrochemical and organic waste, sedimentation, deforestation, and excessive hunting. Ramsar site no. 1136. Most recent RIS information: 2001.

Lago de Apanás-Asturias. 08/11/01; Jinotega; 5,415 ha; 13°10'N 085°58'W. An artificial lake or reservoir formed by two electricity-producing barrages of the Río Tuma in the mountainous north of the country, characterized by seasonally flooded agricultural land, water storage areas, and canals for transport and drainage. The endangered Perro de Agua "water dog" (Plata Otter, *Lutra longicaudis*) is supported, and the site is also important for a number of aquatic birds and for fish, a number of which have high economic value in the area. The site has high potential for ecotourism because of its migratory birds and artisanal fishing practices, and recreational and educational potentials are high as well. Ramsar site no. 1137. Most recent RIS information: 2001.

Los Guatuzos. 30/07/97; 43,750 ha; 1 1°00'N 084°52'W. Lakes and ponds subject to seasonal flooding, set in alluvial depressions with surrounding woodlands. There are also areas that are normally dry where the water table is several centimetres below the surface. The interaction of unique environmental factors has given rise to rich populations of flora and fauna both indigenous and migratory. 326 bird species, of which 77 species are migratory, 32 mammal and 10 reptile species are supported. There are several species of birdlife threatened with extinction. Ramsar site no. 915.

Most recent RIS information: 2001.

Refugio de Vida Silvestre Río San Juan. 08/11/01; Río San Juan, Atlántico Sur; 43,000 ha; ca.10°56'N 083° 40'W. Wildlife Refuge, Biosphere Reserve. A long, slender, convoluted site that follows the course

of the Río San Juan, which flows from Lake Nicaragua at 32m altitude along the Costa Rican frontier 200km to the city of San Juan del Norte on the Caribbean coast, and includes the coastline to the north as well, part of the Biosphere Reserve Indio Maíz, forming one of the two most extensive biological nuclei of the Mesoamerican Biological Corridor. The site comprises an array of wetland types, including estuary and shallow marine waters, coastal freshwater lagoon, and intertidal marsh, as well as permanent lakes, rivers, and pools, inter alia. Nearly all of the Ramsar Criteria are met, and four species of turtles, as well as the manatee *Trichechus manatus*, are supported. Ramsar site no. 1138. Most recent RIS information: 2001.

Sistema de Humedales de la Bahía de Bluefields. 08/11/01; Atlántico Sur; 86,501 ha; 1 1°55'N 083°45'W. Added to the Montreux Record, 15/01/07. Comprising a diversity of ecosystems from saline to freshwater, encompassing the "bay", which is in fact a coastal lagoon associated with the Río Escondido. The intertidal forested areas and mangroves form habitat and biological corridors for endangered larger animals, such as the jaguar (*Panthera onca*), Central American Tapir or "Danta" (*Tapirus bairdii*), the howling monkey *Alouatta fusca*, and ocelot *Leopardus pardalis*. The system is regenerating despite the devastation of Hurricane Joan in 1988. The site is extremely important for the artisanal fishing which forms the economic and cultural base of the ethnic groups in the area. Problems associated with population growth and pollution pose threats, though several communities have organized a group of communal park-wardens. Subject of a Ramsar Advisory Mission in December 2005 and added to the Montreux Record on 15/01/07. Ramsar site no. 1139. [Signs] Most recent RIS information: 2001.

Sistema de Humedales de San Miguelito. 08/11/01; Río San Juan; 43,475 ha; 1 1°25'N 084°51'W. Situated along the southeast coast of Lago Cocibolca (Lake Nicaragua, the largest lake in Central America), the site maintains a rich biological diversity, supporting a large number of species of birds, fish, reptiles and mammals. It also performs essential functions in the prevention of natural disasters, in purifying and recycling the water of the lake, and in regulating local climate. Ramsar site no. 1140. Most recent RIS information: 2001.

Sistema Lagunar de Tisma. 08/11/01; Managua, Granada; 16,850 ha; 12°04'N 085°56'W. A number of small lake, marsh, and river shore ecosystems associated with the northwest shores of Lake Nicaragua. The sites supplies water for cattle grazing, rice cultivation, and irrigation of pastures, recharges groundwater and assists in flood control, retains sediments and contaminants, and supports a number of species of migratory birds. Inhabitants of the site benefit by meat and fish and derive fiber materials for the fabrication of handkerchiefs, mats, fans, and other handicrafts. Rice cultivation and resulting alterations of water level and agrochemical effects have a direct impact upon the site. The Audobon Society Nicaragua and the IUCN Mesoamerica Office assisted in preparation of the designation and in the ongoing development of a management plan, with support from the government. Most recent RIS information: 2001.

For further information about the Ramsar Convention on Wetlands, please contact the Ramsar Convention Bureau, Rue Mauverney 28, CH-1 196 Gland, Switzerland (tel +41 22 999 0170, fax +41 22 999 0169, e-mail ramsar@ramsar.org). Posted 31 January 2000, updated 15 January 2007, Dwight Peck, Ramsar.

ANNEX 45

Biosphere Reserve Information for Río San Juan, UNESCO-MAB Biopshere Reserves Directory

Source: [http://www.unesco.org/mabdb/br/brdir/directory/
biores.asp?mode=all&code=NIC+02](http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=NIC+02)

United Nations Educational, Scientific and Cultural Organization

The MAB Programme

UNESCO – MAB Biosphere Reserves

Directory

Biosphere Reserve Information

Nicaragua

RÍO SAN JUAN

General Description Covering 1,392,900 ha Río San Juan Biosphere Reserve is composed of seven protected areas and other adjacent territories. The biosphere reserve covers an important variety of ecosystems representative of tropical humid forests and wetlands, tidal marsh, coastal lagoons and estuaries which are important shelters for rare or threatened animals and plant genetic resources of the meso-American tropics. Furthermore the biosphere reserve includes a part of Lake Cocibolca and the municipalities of El Almendro, San Miguelito, Morrito and Nueva Guinea with a large (256,000 habitants) and culturally rich human population including 20,000 habitants of Rama, Miskitu, Negra and Creole ethnic groups. Each one of these groups has its own way of preserving and/or using the national resources of the area.

The vast size of the biosphere reserve, in addition to its proximity to neighbouring Costa Rica protected areas, and as part of the Mesoamerican Biological Corridor, guarantee an adequate area for preserving genetic diversity, free mobility of species, breeding and maintenance of major species such as the jaguar or american tiger (*Felis onca*), the tapir (*Tapirus biardii*) and the red and green parrot (*Psittacidae*).

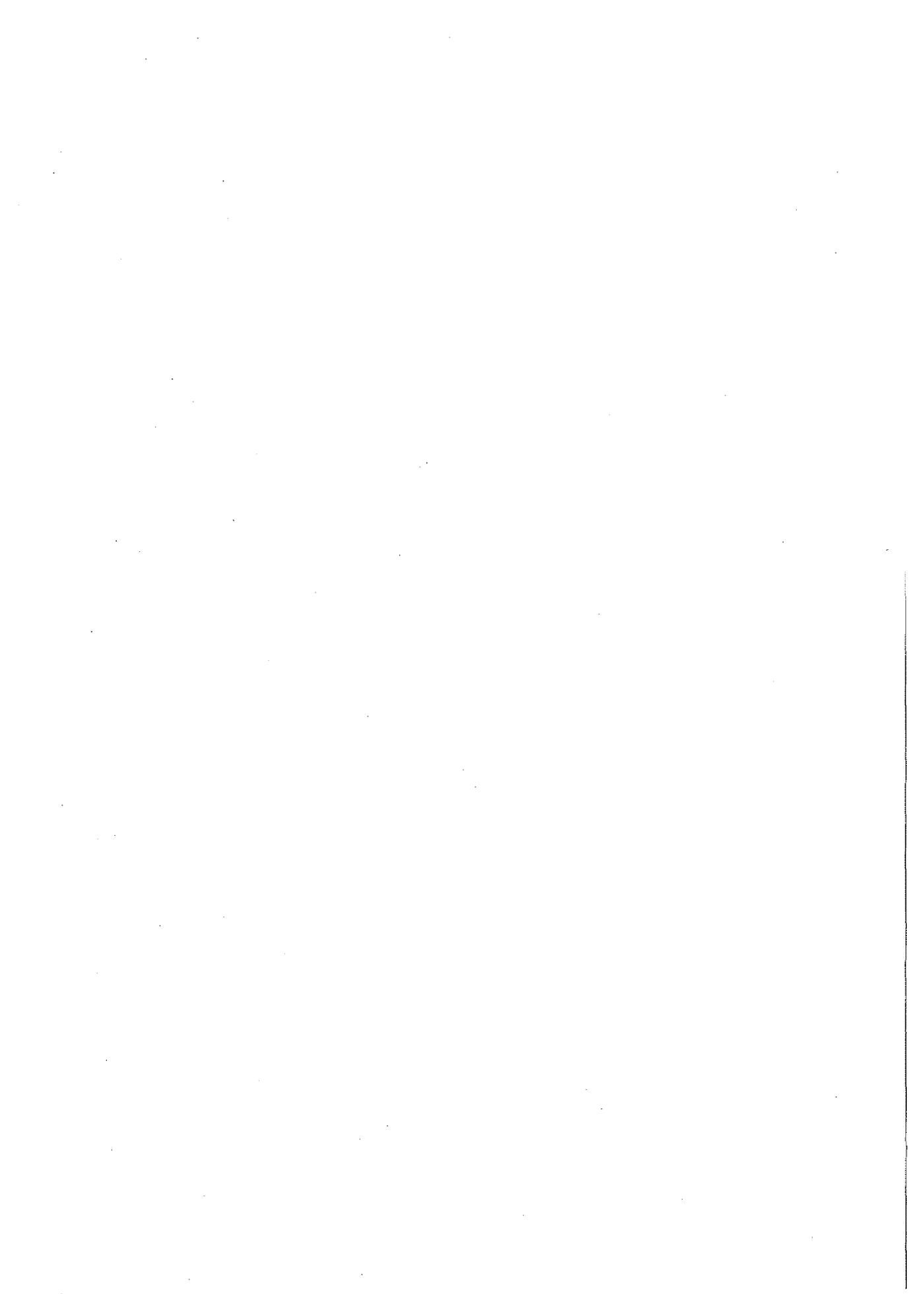
Major ecosystem type	Tropical humid forest and wetlands areas
Major habitats & land cover types	Tropical humid forest
Location	11 °29'0" N - 84°21 '55" W
Area (hectares)	
<i>Total</i>	1,392,900
<i>Core area(s)</i>	357,800
<i>Buffer zone(s)</i>	520,500
<i>Transition area(s) when given</i>	514,600 ha

(...)

Last updated: 10/1/2007

ANNEX 46

**Nicaragua, Ministry of the Environment and Natural Resources,
“Species under threat of Extinction: Indio Maíz and BOSAWAS
Biosphere Reserves,” 2008**





Gobierno de Reconciliación
y Unidad Nacional

El Pueblo, Presidente!

2008: Year of Citizen Power

Species under threat of Extinction

Indio Maíz and BOSAWAS Biosphere Reserves

MAMMALS

No.	Scientific Name	Common Name
1	<i>Alouatta palliata</i>	Black howler monkey
2	<i>Ateles geoffroyi</i>	Central American spider monkey
3	<i>Bassaricyon gabbii</i>	Olingo
4	<i>Bassariscus sumichrasti</i>	Central American cacomistle, ring-tailed cat
5	<i>Bradipus variegatus</i>	Brown-throated three-toed sloth
6	<i>Cebus capucinus</i>	White-throated capuchin
7	<i>Choloepus hoffmanni</i>	Hoffmann's two-toed sloth
8	<i>Cyclopes didactylus</i>	Pygmy or silky anteater
9	<i>Eira barbara</i>	Tayra
10	<i>Gallictis vittata</i> = <i>Galictis allamandi</i>	Greater grison
11	<i>Herpailurus (Felis) yaguarondi</i>	Jaguarundi
12	<i>Leopardus (Felis) pardalis</i>	Ocelot
13	<i>Leopardus (Felis) tigrinus</i>	Little spotted cat
14	<i>Leopardus (Felis) wiedii</i>	Margay
15	<i>Lontra longicaudis</i> = <i>Lutra annectens</i>	Neotropical river otter
16	<i>Mustela frenata</i>	Long-tailed weasel
17	<i>Myrmecophaga tridactyla</i>	Giant anteater
18	<i>Pantera onca</i>	Jaguar
19	<i>Potos flavus</i>	Kinkajou
20	<i>Puma concolor</i>	Mountain lion, cougar
21	<i>Tapirus bairdii</i>	Baird's tapir, C. Am. tapir
22	<i>Trichechus manatus</i>	West Indian manatee

BIRDS

No.	Scientific Name	Common Name
1	<i>Accipiter bicolor</i>	Bi-colored hawk
2	<i>Accipiter superciliosus</i>	Tiny hawk
3	<i>Ajaia ajaja</i>	Roseate spoonbill
4	<i>Amazona albifrons</i>	White-fronted parrot
5	<i>Amazona auropalliata</i>	Yellow-nape parrot
6	<i>Amazona autumnalis</i>	Red-lore parrot
7	<i>Amazona farinosa</i>	Mealy parrot
8	<i>Ara ambigua</i>	Great green macaw
9	<i>Ara macao</i>	Scarlet macaw
10	<i>Aratinga canicularis</i>	Orange-fronted parakeet
11	<i>Aratinga finschi</i>	Crimson-fronted parakeet
12	<i>Aratinga holochlora</i>	Green parakeet
13	<i>Aratinga nana astec</i>	Olive-throated parakeet
14	<i>Aulacorhynchus prasinus</i>	Emerald toucanet
15	<i>Bolborhynchus lineola</i>	Barred parakeet
16	<i>Brotogeris jugularis</i>	Orange-chinned parakeet
17	<i>Busarellus nigricolis</i>	Black-collared hawk
18	<i>Buteo albicaudatus</i>	White-tailed hawk
19	<i>Buteo albonotatus</i>	Zone-tailed hawk
20	<i>Buteo jamaicensis</i>	Red-tailed hawk
21	<i>Buteo nitidus = Asturina plagiata</i>	Gray hawk
22	<i>Buteo platypterus</i>	Broad-winged hawk
23	<i>Buteo swainsoni</i>	Swainson's hawk
24	<i>Buteogallus anthracinus</i>	Common black hawk
25	<i>Buteogallus urubitinga</i>	Great black hawk
26	<i>Chondrohierax uncinatus</i>	Hook-billed kite
27	<i>Circus cyaneus</i>	Northern harrier
28	<i>Crax rubra</i>	Great curassow
29	<i>Daptrius americanus</i>	Red-throated caracara
30	<i>Elanoides forficatus</i>	American swallow-tailed kite
31	<i>Elanus leucurus</i>	White-tailed kite
32	<i>Falco columbarius</i>	Merlin
33	<i>Falco deiroleucus</i>	Orange-breasted falcon
34	<i>Falco femoralis</i>	Aplomado falcon
35	<i>Falco peregrinus</i>	Peregrine falcon
36	<i>Falco rufigularis</i>	Bat falcon
37	<i>Harpia harpyja</i>	Harpy eagle
38	<i>Harpyhaliaetus solitarius</i>	Solitary eagle
39	<i>Pionus senilis</i>	White-crowned parrot
40	<i>Pteroglossus torquatus</i>	Collared aracari
41	<i>Ramphastos sulfuratus</i>	Keel-billed toucan
42	<i>Ramphastos swainsoni</i>	Chestnut-mandibled toucan
43	<i>Rosthamus sociabilis</i>	Snail kite
44	<i>Sarcorhampus papa</i>	King vulture
45	<i>Selenidera spectabilis</i>	Yellow-eared toucanet

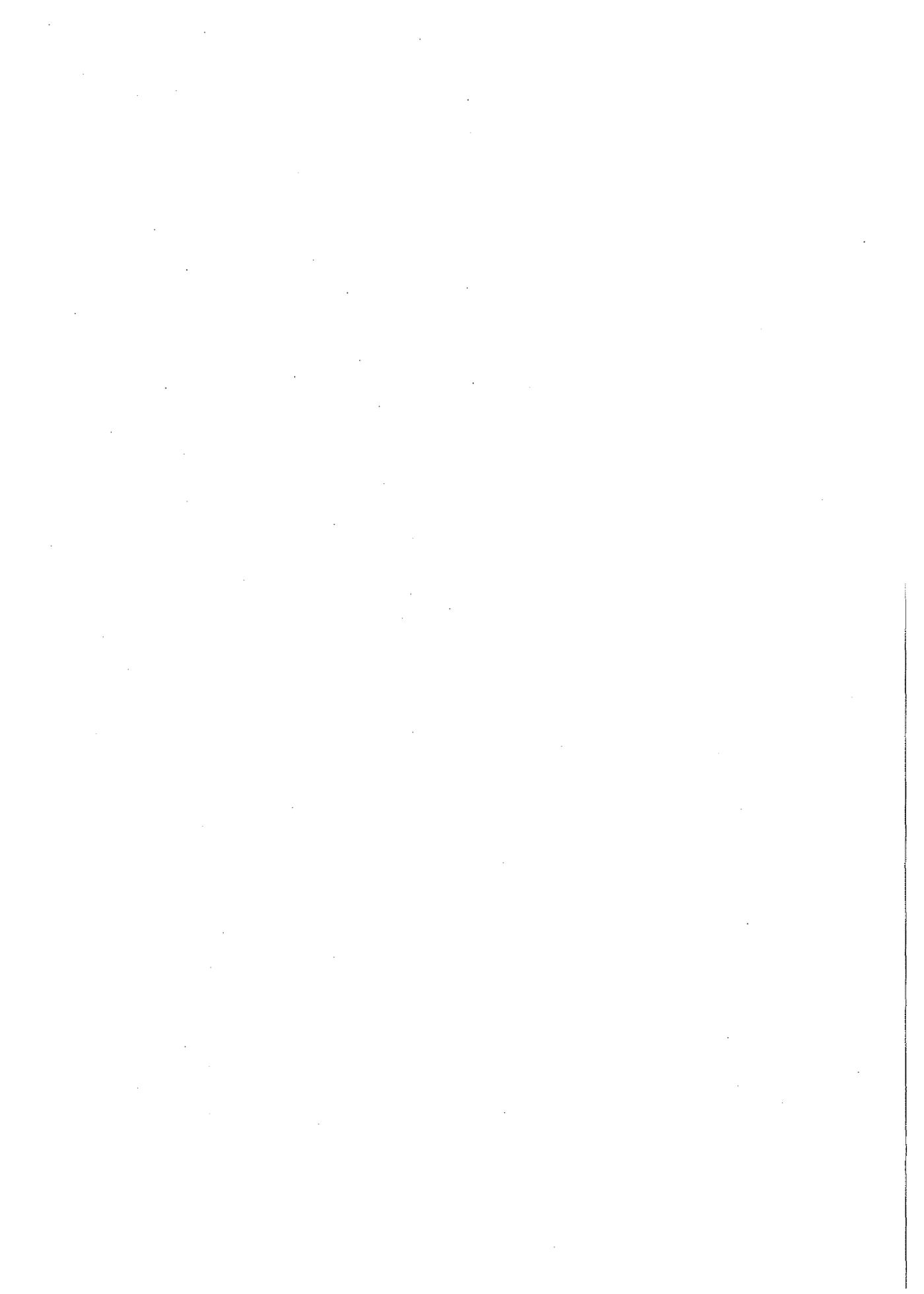
REPTILES

No.	Scientific Name	Common Name
1	<i>Corallus annulatus</i>	Annulated tree boa, ringed tree boa
2	<i>Corallus enydris</i>	Amazon tree boa
3	<i>Crocodylus acutus</i>	American crocodile

*FISH

No.	Scientific Name	Common Name
1	<i>Carcharhinus leucas</i>	Bull shark
2	<i>Pristis pectinatus</i>	Small-tooth sawfish, common sawfish
3	<i>Pristis perotteti</i>	Large-tooth sawfish
4	<i>Megalops</i> spp.	Tarpon

* Indio Maíz Biosphere Reserve



ANNEX 47

**Ministry of the Environment and Natural Resources, “Southeast
Nicaragua Biosphere Reserve: Strategic Program 2008,”**

available at:

http://www.marena.gob.ni/index.php?option=com_remository&Itemid=181&func=fileinfo&id=523



Strategic Program 2008

Biosphere Reserve of Southeast Nicaragua

The **Nucleus Zones** for long-term conservation are located in the Indio Maíz Biological Reserve, Los Guatuzos Wetlands and Yolaina Mountains.

- The **Indio Maíz Biological Reserve** covers most of the municipality of San Juan de Nicaragua, part of the municipality of El Castillo and of the area of Bluefields municipality. It covers 3,157 square kilometers of tropical rainforest, continental wetlands, mangroves, estuaries and marshes. The extraction of any type of natural resource and any temporary or permanent settlement by human populations are prohibited.
- Covering an area of 106 square kilometers within the municipality of San Carlos, **Los Guatuzos Wetlands** are part of Los Guatuzos Wildlife Refuge. This area is formed by flood plains in which herbaceous vegetation and some palms are predominant. Because of the wetland characteristics, this zone is uninhabitable.
- With an area of 164 square kilometers, the **Yolaina Mountains** are part of the Cerro Silva Natural Reserve in the municipality of Bluefields. The Kubra, Torsuani, Mahogany and Montecristo rivers originate in the highlands of this area, which is dominated by tropical rainforest. The indigenous Rama consider more than half of this zone as their territory, where the population obtains most of the goods and services for its survival.

Dedicated to sustainable development, the **Buffer Zone** is divided according to its characteristics into a Land Area, Marine / Coastal Area and River Area:

- The Land Area covers the central part of the Biosphere Reserve and includes parts of the municipalities of Bluefields, Nueva Guinea, el Rama, El Castillo and San Carlos.
- The Marine / Coastal Area includes a strip of Caribbean Sea that is three nautical miles wide, extending from the border with Costa Rica to Bluefields Bay and containing marine, estuary, coastal, reef, marsh and mangrove ecosystems. This is a living space for Rama, Garífona and Mestizo communities in the region.
- The River Area fully covers the San Juan River Wildlife Refuge. It is a plain with deltas, low river dikes, swamps and sand bars that, due to the high precipitation, remain saturated with water.

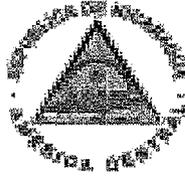
The **Transition Zone** covers an area of 5,146 square kilometers and hosts a population of 160,000. It includes the municipalities of Morrito, San Miguelito, El Almendro, Nueva Guinea and El Rama. The zone has little forest coverage but rather is dominated by pastureland, basic grain cropland and some remnants of forest that lack timber of any significant commercial value.

In the administration of these areas, the objective is to strengthen municipal government capacities to control local-level investment processes. It includes the promotion of and support for the preparation of strategic municipal development plans and land use plans in each of the municipalities.

ANNEX 48

**Army of Nicaragua, “Action Plan for Issuance of Departure
Clearance Certificates in the San Juan River”**

5 July 2001



ARMY OF NICARAGUA
Headquarters

Managua, July 5, 2001
GDEMG0392-01

COMMANDER-IN-CHIEF OF THE NAVAL FORCE
CHIEF OF THE SOUTHERN MILITARY DETACHMENT

Fellow Chiefs:

As per instructions from the Commander-in-Chief, Major General **Omar Halleslevens Acevedo**, you are hereby advised to comply with the attached Action Plan for Issuance of Departure Clearance Certificates in the San Juan River.

Having nothing more in this respect, I salute you.

Sincerely,

Assistant to the Commander-in-Chief

(Signed)
RUBY SAAVEDRA CÁRCAMO
Major

[Seal:] **ARMY OF NICARAGUA**
ASSISTANT TO THE
COMMANDER-IN-CHIEF
CENTRAL AMERICA

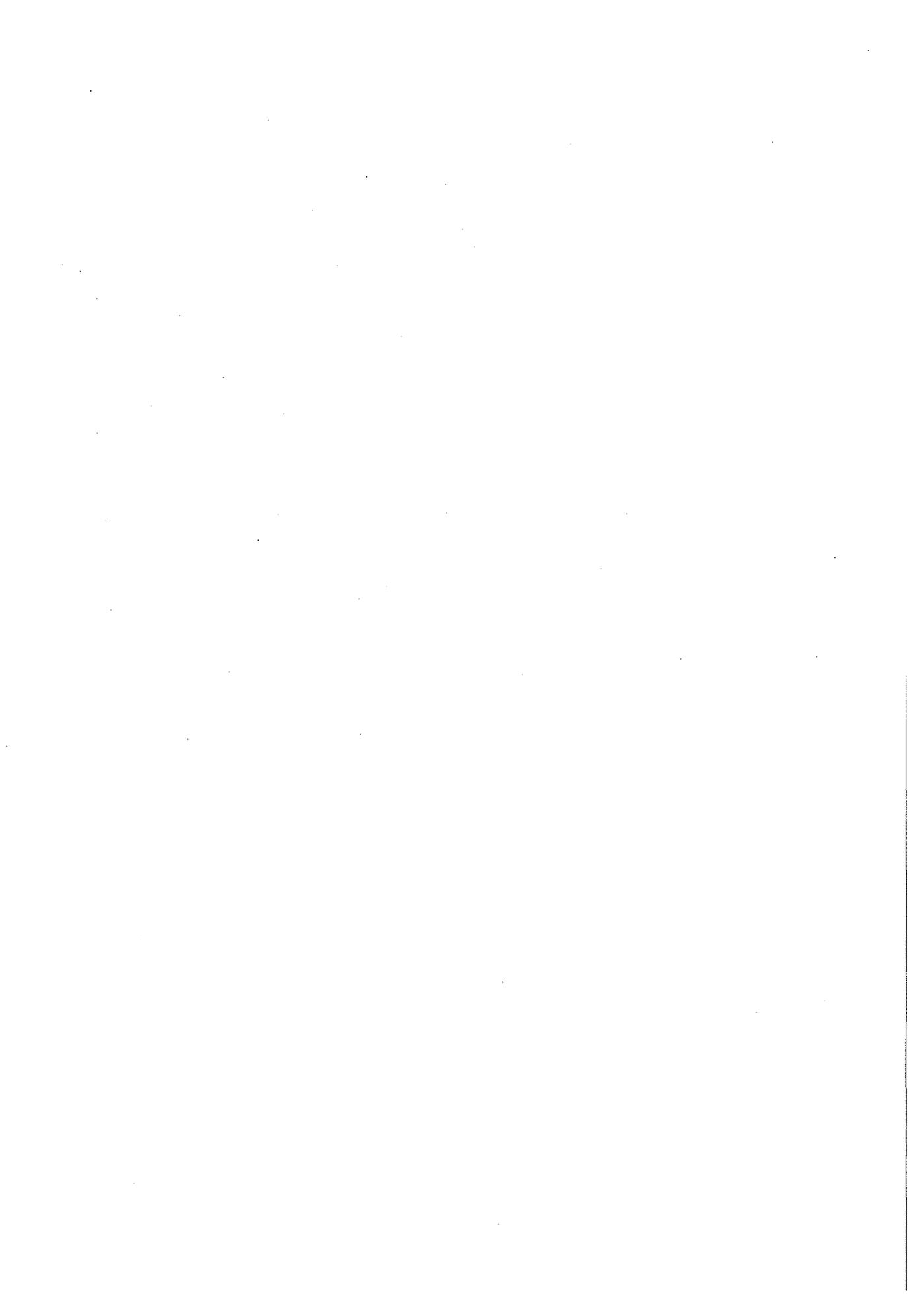
ACTION PLAN FOR ISSUANCE OF DEPARTURE CLEARANCE CERTIFICATES IN THE SAN JUAN RIVER

1. Vessels navigating in between the Military Control Posts over the San Juan River shall be issued a courtesy departure clearance certificate.
2. The vessels and Nicaraguans whose domicile is close to the bank of the San Juan River and Costa Ricans whose domicile is located in the adjacent proximities shall be issued a courtesy departure clearance certificate, which shall be valid for one month and must be renewed one day before the expiration date. These shall report to the Military Control Posts located along the San Juan River.
3. The Port Captainty in San Juan del Norte is hereby authorized to issue international departure clearance certificates to tourist vessels at a cost of US\$ 10.00 (ten dollars). These certificates may be issued by the Military Control Posts in Boca de Sarapiqui and El Delta only where vessels attempt to evade the Port Captainty.
4. Departure clearance certificates by the Port Captainty in San Carlos shall be issued as is customary.
5. Costa Rican vessels domiciled inland in Costa Rican territory that use the San Juan River as a transit route shall be issued an international departure clearance certificate in San Juan del Norte, subject to a symbolic fee equivalent to US\$ 5.00 (five dollars).
6. All vessels navigating over the San Juan River shall fly the flag of the Republic of Nicaragua. If vessels have no flagpole, they shall fly the flag in the stern turret, if they have one.
7. As a measure for protecting human life and safe navigation, navigation over the San Juan River remains suspended between 5PM and 5AM.
8. National vessels must display their name and identification number as required by the Water Transportation Directorate of the Ministry of Transportation and Infrastructure.
9. The Chiefs of the Naval Force and the Southern Military Detachment [shall] organize training seminars for the personnel located in the Port Captaincies of San Juan del Norte, San Carlos and in the Border Posts along the San Juan River.

ANNEX 49

Costa Rica, “Basis for the formation of a Company, named the Sarapiquí Company...,” 27 October 1851.

Source: Reply to the Argument of Nicaragua on the Question of the Validity or Nullity of the Treaty of Limits of April 15, 1858, to be decided by the President of the United States of America as Arbitrator. Washington, Gibson Bros., 1887. Document No. 26, pp. 144-146).



(-144-)

No. 26

Bases for the formation of a Company, named the Sarapiquí Company, for the opening of a road from San Jose to the Sarapiquí river, and for the navigation of the said river, in order that the exportations of Costa Rica may be made through the San Juan river.

JUAN RAFAEL MORA, President of the Republic of Costa Rica :

Taking into consideration :

1st, that the prosperity of the country being based upon agriculture and commerce, it is of the highest importance to improve those two great fountains of wealth in order that they may improve day by day and reach perfection.

2d. That one of the best means of reaching the end indicated is to lay out convenient and short roads leading to the ports on both oceans.

3d. That at present the Republic owns a very good road on the Pacific that can be improved; and that there is none on the side of the Atlantic, although such a one has been demanded for a long time by the urgent interest of the Costa Rican people.

4th. That several schemes, surveys, and examinations have been undertaken FOR THE LAST 30 YEARS AT DIFFERENT TIMES by several citizens of the nation in order to accomplish such a desired purpose.

5th. That subsequently to the said attempts the discovery was made of the means of building a road giving easy access to the SARAPIQUÍ RIVER, WHICH IS NAVIGABLE, AND EMPTIES INTO THE SAN JUAN RIVER, WHICH IN ITS TURN EMPTIES INTO THE NORTHERN SEA, where there is a good port known and frequented by all commercial nations.

6th. That the Government, yielding to the general clamor, and taking advantage of that discovery, gave the proper authority, for a formal survey, and for the BUILDING OF THE ROAD, and appropriated for that purpose a portion of the revenue de-

(-145-)

voted to roads; and that the said formal survey proved to be successful, and also that the work began, but could not be completed, for want of means.

7th. That if the necessity of such an easy way of communication to the Atlantic has heretofore been imperious, now it is still more urgent, owing to the increase of the population and industry of the country, as shown by statistics.

8th. And, finally, that the frequency of relations of this country with foreign States, is conducive to immense benefit for its wealth and civilization, and anticipates a great and flattering future for the Republic, I have been pleased to decree, and do hereby decree, as follows:

Article I. Due authority is given for the organization in this country of a Costa Rican Company, to be known as the Sarapiquí Company, consisting of twenty responsible members, and having a capital of \$80,000, divided into shares of \$3,000 for each partner ; the said capital to be increased hereafter, if necessary.

Article II. This company shall have for its object the building of a substantial carriage road, within the period of five years, to be counted from January 1, 1852, starting from this city, and ending on the wharf of the Sarapiquí river. The width of this road shall be 40 yards, whenever the topographic conditions of the locality permits it ; and it shall be provided with such bridges and other appurtenances as are necessary for its use and preservation.

Article III. Notwithstanding the provisions of the preceding Article, the company shall begin by building, as soon as possible, a good road for mules, which shall be finished within eighteen months, to be counted from the same day, January 1, 1852.

Article IX. It is hereby granted in favor of the said Company that it shall collect during the period of twenty-five years toll tax of two reals (25 cents) for each one hundred weight of all domestic merchandise that may be carried over the whole of the said road, or a part thereof, and four reals

(-146-)

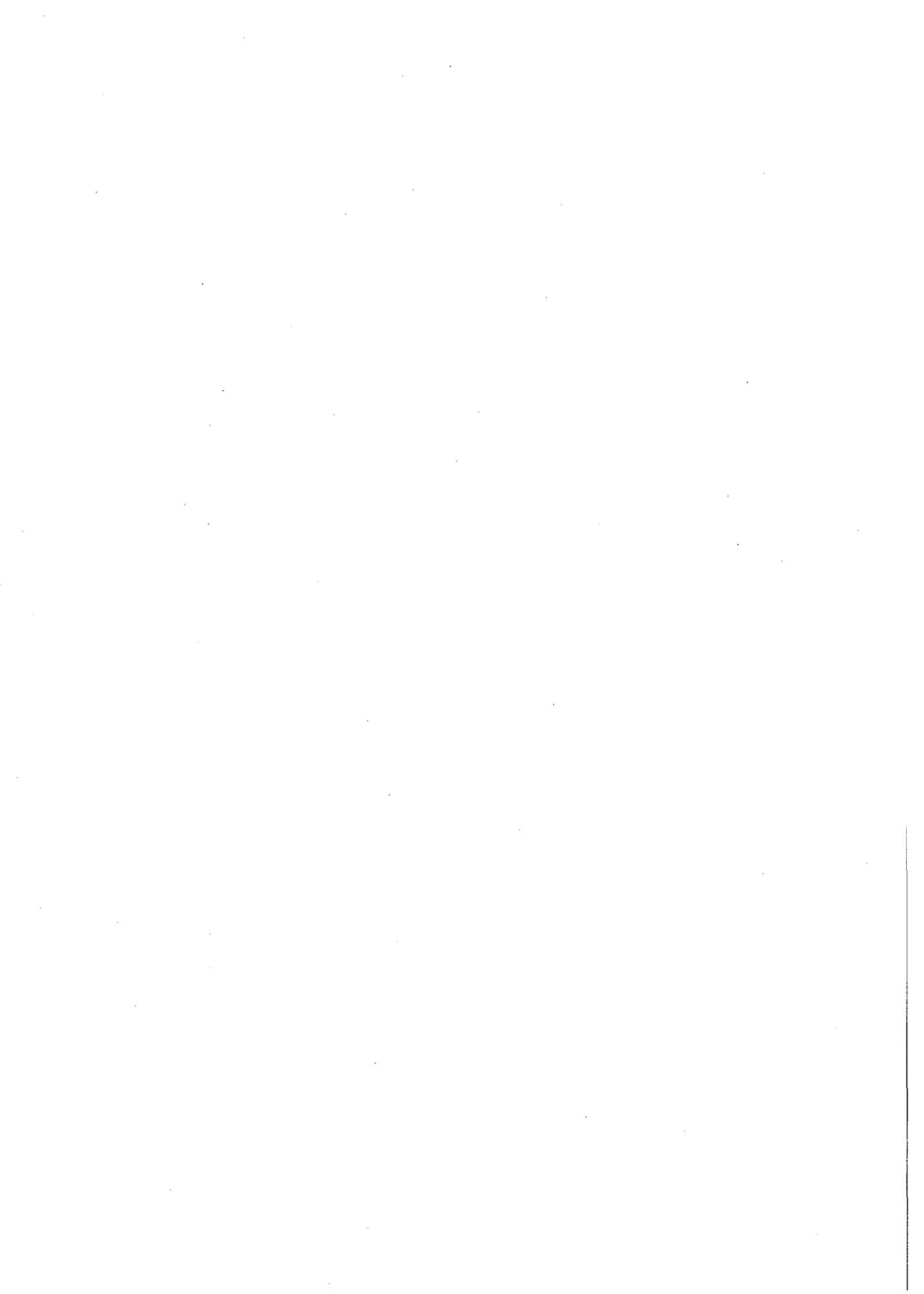
(50 cents) for each one hundredweight of foreign merchandise, of whatever nature, imported through it.

Article XVIII. The Company shall have the right for the period of five years of establishing, if suitable to its interests, STEAM NAVIGATION ON THE SARAPIQUÍ RIVER, either by itself or by agreement with other companies; and, in either event, the Government grants to it, for the whole period of the contract for the road, the right to collect a navigation duty of one real (12 ½ cents) on each one hundredweight of merchandise exported, and two reals (25 cents) for each one hundredweight of merchandise imported,

Given at the National Palace, at San Jose, on October 27, 1851.

JUAN RAFAEL MORA.

JOAQUIN BERNARDO CALVO,
Secretary of the Interior.



ANNEX 50

**Costa Rica, Decree No. 14 of 1860, Decree Closing the Moin and
Sarapiquí Ports**



N. 14.

**The Senate and House of Representatives of Costa Rica, assembled in
Congress,**

DECREE

Art. 1. The port of Moin and the Sarapiquí River are closed to domestic trade in the Republic.

Art. 2. Customs at both points are abolished, as well as fiscal and military staff established thereat.

Art. 3. The Executive Branch shall create and organize the necessary police posts for preventing contraband through those routes.

Art. 4. The Executive Branch shall provide with respect to the political regime of Moin as it may deem proper.

To the House of Representatives.

Done at the Sessions Hall, San Jose, on the ninth of July of one thousand eight hundred and sixty. Manuel José Carazo, President. J. S. Ramírez, Secretary. Francisco Montealegre, Secretary.

Pass to the Executive Branch

House of Representatives. San Jose, nineteenth of July of one thousand eight hundred and sixty. Julian Volio, President. Demetrio Iglesias, Secretary. Andrés Sáenz, Secretary.

National Palace. San Jose, twenty-fourth of July of one thousand eight hundred and sixty.

Execute.

JOSE MARÍA MONTEALEGRE

Secretary of State at the
Ministry of Finance

VICENTE AGUILAR



ANNEX 51

**Nicaragua, Agreement No. 5, Accession and Ratification of the
Convention on International Trade in Engangered Species of
Wild Fauna and Flora, 23 April 1977**

Published in La Gaceta No. 183, 15 August 1977

Whereas:

On the eleventh of June of one thousand nineteen hundred seventy-seven, the following law was issued:

THE PRESIDENT OF THE REPUBLIC

**Makes Known
To its Inhabitants:**

That the National Congress has ordered the following:

"Resolution No. 47

**House of Representatives and Senate of the
Republic of Nicaragua**

Resolve:

Only: To approve the "Convention on International Trade in Endangered Species of Wild Fauna and Flora " approved at the Plenipotentiary Conference held in Washington on February 12th to March 2nd of 1973, to which the Government of the Republic of Nicaragua has adhered through Executive Order No. 5 of 23 April 1977.

This Resolution shall be published in the Official Journal "La Gaceta".

Done at the Sessions Hall of the House of Representatives, Managua, N. D., seventeenth of May of one thousand nine hundred seventy-seven. **Luis H. Pallais Debayle**, President. **María Helena de Porrás**, Secretary. **Fernando Zelaya Rojas**, Secretary.

To the Executive Branch. The Senate. Managua, N. D., June 8, 1977.A. **SOMOZA. Harry Bodán Shields**, Minister of State at the Department of Foreign Affairs by Law."

Whereas:

On the twenty-second of June of one thousand nine hundred seventy-seven the following Decree was issued:

"No. 7

THE PRESIDENT OF THE REPUBLIC

Decreases:

First: To ratify the Convention on International Trade in Endangered Species of Wild Fauna and Flora approved by the Plenipotentiary Conference held in Washington on February 12th to March 2nd of 1973.

Second: To issue the respective Instrument of Ratification to be deposited with the Government of the Swiss Confederation.

Communicate: Presidential Office. Managua, National District, 22 June 1977. **A. SOMOZA**. Minister of State at the Department of Foreign Affairs by Law, **Harry Bodán Shields**".

Whereas:

I have hereunto signed and affixed the Great National Seal on this Instrument of Adhesion, and it has been countersigned by the Minister of State at the Department of Foreign Affairs for deposit with the Government of the Swiss Confederation.

Done at the Office of the President, Managua, National District, on the twenty-ninth of June of one thousand nine hundred seventy-seven. (s) **A. SOMOZA** (L.G.S.N.). **Harry Bodán Shields**. Minister of State at the Department of Foreign Affairs by Law.

ANNEX 52

**Nicaragua, Decree No. 161, Law Creating the Nicaraguan
Tourism Institute, 14 November 1979.**

Published in La Gaceta No. 62, 20 November 1979.

Legal Rules of Nicaragua

Matter: Decree-Law

Title: Law Creating the Nicaraguan Tourism Institute

Date of Publication: 11/20/79

Gazette No.: 62

Text of the Rule:

LAW CREATING THE NICARAGUAN TOURISM INSTITUTE

DECREE NO. 161, approved on 14 November 1979

Published in La Gaceta No. 62 of 20 November 1979

THE BOARD OF GOVERNMENT OF NATIONAL RECONSTRUCTION OF THE REPUBLIC OF NICARAGUA

Exercising its powers,

Decrees:

The following:

LAW CREATING THE NICARAGUAN TOURISM INSTITUTE

...

Chapter II

...

Objectives and Attributions

Article 10. The Tourism Card is hereby created to cover the entry to the country of tourists over twelve years of age. Children under twelve years of age may be included in the same tourism card of their parents, tutors or custodians.

...

Chapter VI

Tourists

...

Article 25. Tourists must obtain special tourism cards or tourist visas to enter the national territory. Tourism cards shall be subject to the payment of two Central American pesos or its equivalent in cordobas.

The issuance, format and use of these cards shall be regulated by the Executive Branch through the Ministry of Governance, upon consulting the Nicaraguan Tourism Institute, with the objective of increasing tourism in the Republic, while preventing the entry of undesirable elements into the country.

Article 26. Tourism cards shall be valid for thirty days, extendable to ninety days, upon prior authorization from the National Immigration and Naturalization Directorate.

...
Chapter IX
Final Provisions
...

Article 39. The present Decree shall enter into force from the date of publication in any mass media, notwithstanding its subsequent publication in the Official Journal.

Done at Managua City on the fourteenth of November of one thousand nine hundred and seventy-nine. "National Liberation Year."

BOARD OF GOVERNMENT OF NATIONAL RECONSTRUCTION.
Violeta B. de Chamorro. Sergio Ramírez M. Daniel Ortega S. Alfonso Robelo C.
Moisés Hassan M.

ANNEX 53

**Nicaragua, Registry No. 3742 – R/F 791975, Regulations on the
Issuance, Formant and Use of Special Tourism Cards,
25 May 1993.**

REGULATIONS ON THE ISSUANCE, FORMAT AND USE OF SPECIAL TOURISM CARDS

Register No. 3743 – R/F 791975 Value CS 135.00
The Ministry of Governance of the Republic of Nicaragua:

Considering the powers conferred by decree No. 21-19, published in the Official Journal (“La Gaceta”) No. 100 on the third of April of one thousand nine hundred and ninety-one, the following Regulation regarding the issuance, format and use of the Special Tourism Card is hereby issued.

Art. 1. The purpose of these Regulations is to regulate the issuance, forms and use of the Special Tourism Card, hereinafter referred to as “The Card” for purposes of brevity.

Art. 2. Tourists who require a consular visa to enter the national territory may purchase a Special Tourism Card upon arrival.

Art. 3. The Ministry of Tourism shall be the Official Nicaraguan Government Agency that will issue “The Card” according to the following format, printed on an original and two copies with the following characteristics:

1. Name and number of “The Card”
2. Coat of arms of the Republic of Nicaragua
3. Date of issue
4. First names and surnames of cardholder
5. Sex: F () M ()
6. Country and date of birth
7. Nationality
8. Passport No.
9. Occupation
10. Address in Nicaragua
11. Address abroad
12. Point of Entry
13. Point of Exit
14. Length of stay
15. Signature and seal of the agency
16. Signature of tourist

“The Card” shall contain a blank square space for official use by Immigration and Naturalization authorities for any pertinent observations.

Art. 4. Persons older than twelve (12) years old may use "The Card". Use of "The Card" is restricted for children under twelve (12) years old, unless accompanied by their parents or tutors, in which case a brief note of cross-reference shall be made in the respective Cards.

Art. 5. "The Card" is a document that substitutes the respective visa, but does not substitute in any case the presentation of the Cardholder's passport, which must be valid for no less than six (6) months, nor does it exclude the filling out of the respective Immigration Control Card by the Cardholder.

Art. 6. "The Card" may be issued overseas by the respective Nicaraguan consulates, airlines, travel agencies and tour operators, or by any other tourism service company authorized by the Ministry of Tourism. The issuer shall sign and stamp "The Card" to be used.

Art. 7. "The Card" shall be mandatory for nationals from countries with which Nicaragua has signed a Visa Exemption Agreement.

Art. 8. The use of "The Card" by nationals from countries to which Nicaragua applies immigration and visa restrictions shall not be valid.

Art. 9. "The Card" is a document for personal use, non-transferable and valid for one trip.

Art. 10. "The Card" shall be valid for thirty (30) days from the date of issue. Upon expiration, meaning that once it expires no foreigner may enter the national territory.

Art. 11. "The Card" shall be valid for a stay of thirty (30) days in the country from the date of entry of the foreigner to the national territory and may not be extended.

Art. 12. Tourists entering the country with "The Card" must present it when they leave Nicaragua.

Art. 13. In case of loss, theft or destruction of "The Card" after entering the country, tourists must personally report said loss or theft to the Immigration and Naturalization authorities in order to legalize their stay in the country.

Art. 14. Any violations by natural or legal persons shall be punished in accordance with the relevant laws.

Art. 15. This Regulation shall enter into force from the date of publication in the Official Journal “La Gaceta”.

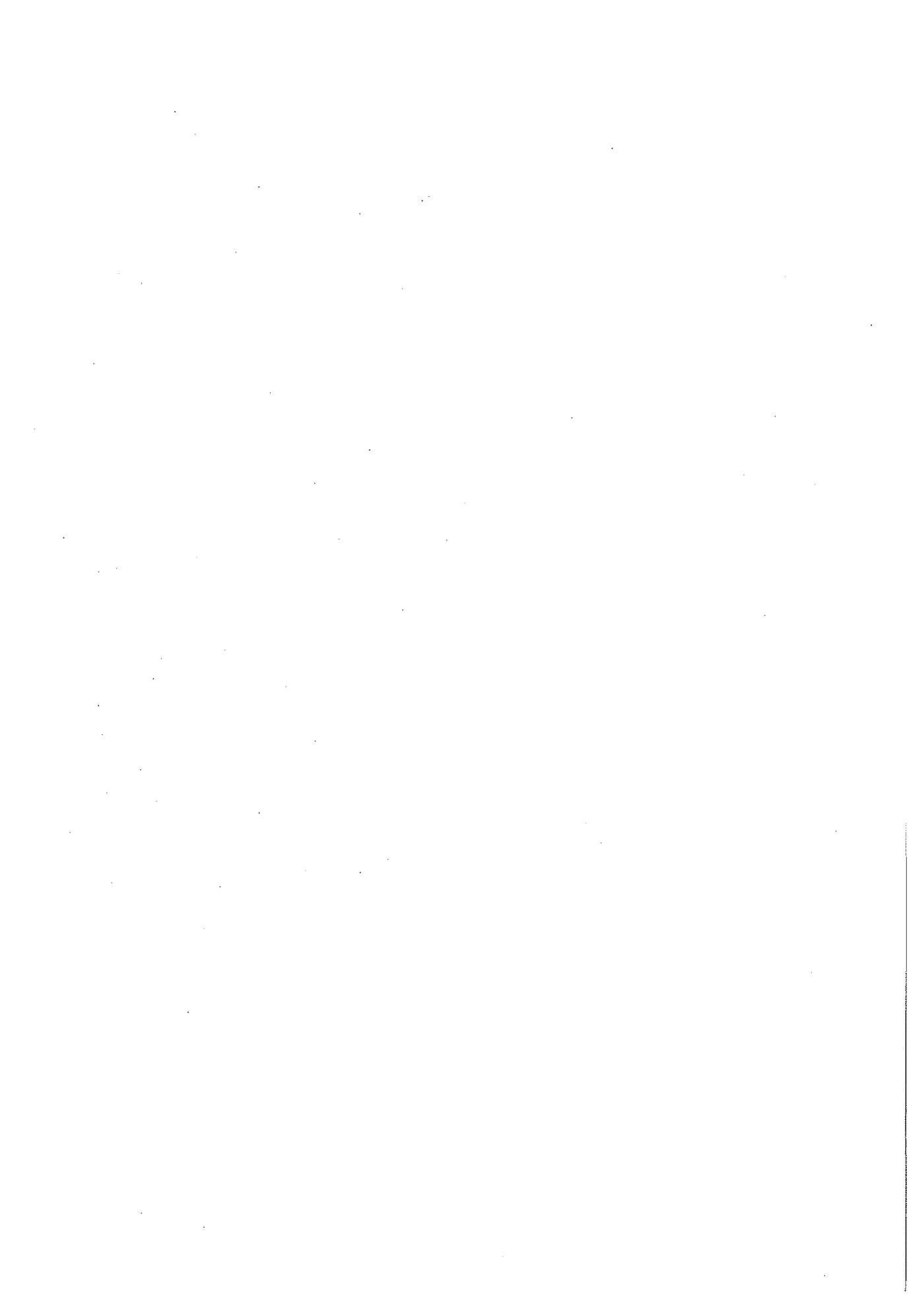
Concluded in the city of Managua, on the twenty-fifth of May of one thousand nine hundred and ninety-three.

Violeta Barrios de Chamorro – President of Nicaragua
Alfredo Mendieta Artola – Minister of Governance

ANNEX 54

**Political Constitution of the Republic of Nicaragua of 1987 and its
Reforms**

Articles 92 and 130



POLITICAL CONSTITUTION OF NICARAGUA

(...)

ARTICLE 92. [Army of Nicaragua]

The Army of Nicaragua is the armed institution for the defence of sovereignty, independence and territorial integrity.

Only in exceptional cases, the President of the Republic, in the Council of Ministers, in support of the National Police, may order the intervention of the Nicaraguan Army when the stability of the Republic is threatened by great internal disorders, calamities or natural disasters.

The establishment of foreign military bases in the national territory is prohibited. The transit or stationing of foreign military ships, aircraft and machinery may be authorized for humanitarian purposes, always provided that such authorization is requested by the Government of the Republic and ratified by the National Assembly.

**Article amended by Law N° 192 of 1995.*

Article 130. [Social State of Law. Principle of legality and probity. Immunity]

The Nicaraguan nation is constituted in a Social State of Law. No appointment grants, to that who exercises it, additional functions than those conferred to by the Constitution and the laws.

All government officials from the State must provide an accounting of his or her assets before assuming a position and after the term is completed. The law regulates this matter.

(...)



ANNEX 55

**Nicaragua, Law No. 495, General Tourism Law, 2 July 2004.
*Published in La Gaceta No. 184, 22 September 2004.***

Legal Rules of Nicaragua

Matter: Tourism
Status: Laws

GENERAL TOURISM LAW

LAW No. 495, Approved on July 2, 2004

Published in La Gaceta No. 184 on September 22, 2004

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA

Makes known to the people of Nicaragua that

THE NATIONAL ASSEMBLY OF THE REPUBLIC OF NICARAGUA

Exercising its powers,

HAS ISSUED

The following:

GENERAL TOURISM LAW

...

Chapter III

Structure and Functioning of INTUR

...

Section 2

Patrimony, Financial Regime and Income of INTUR

Article 21. Notwithstanding provisions of Chapter IX of Law No. 298 creating the Nicaraguan Tourism Institute, the patrimony and income of INTUR shall comprise the following:

- a) Allocations specified in the General Budget of the Republic exclusively for the integral development of tourism.
- b) Tariffs collected for the issuance and annual renewal of the Title/ License paid by tourism service operators.

- c) Tariffs collected on property concessions by the State to establish/install services.
- d) Fines collected in accordance with the present Law and its Regulation.
- e) The amount of five dollars (US\$5.00), legal tender of the United States of America, or its equivalent in local currency, at the official exchange rate in force on the date of payment on account of Tourism Cards. Nationals from countries with which Nicaragua has signed Visa Exemption Agreements are excluded.
- f) The amount of five dollars (US\$5.00), legal tender of the United States of America, or its equivalent in local currency, at the official exchange rate on the date of payment for each vehicle that enters the country through any border post within the national territory.
- g) The amount of ten dollars (US\$10.00), legal tender of the United States of America, or its equivalent in local currency, at the official exchange rate in force on the date of payment for each microbus that enters the country through any border post within the national territory.
- h) The amount of fifteen dollars (US\$15.00), legal tender of the United States of America, or its equivalent in local currency, at the official exchange rate in force on the date of payment for each bus that enters the country through any border post within the national territory.
- i) The amount of three dollars (US\$3.00), legal tender of the United States of America, or its equivalent in local currency, at the official exchange rate in force on the date of payment for each passenger that leaves the country through any border post within the national territory, except through the national airport, for which US\$32.00 shall be paid in airport taxes.

Airline, ship and international tourism bus crews, diplomats, nationals from CA-4 countries and holders of diplomatic passports, national or foreign, are exempted from the payment or amounts set forth in subparagraphs f), g) and h).

- j) Four percent (4%) of total invoicing of tourism service providers, originating from the 15% VAT collected from this sector. This percentage may be revised each year on the basis of the levels of collection and needs of INTUR.

- k) Five percent (5%) of total invoicing of airline tickets for any class of international travel, and those originating in Nicaragua that are sold abroad, originating from the 15% VAT collected in accordance with the pertinent law. Subparagraphs j) and k) shall be applicable six (6) months after the present Law takes effect. The Ministry of Finance and Public Credit, in coordination with the General Income Tax Directorate and the Nicaraguan Tourism Institute, shall develop the necessary mechanisms of coordination to optimize tax collection and direct the resources established in this article. INTUR shall submit an income and expense statement each year in the month of September.

...

Final Provisions

...

Article 98. The present Law shall enter into force from the date of publication in the Official Journal La Gaceta.

Done at the Sessions Hall of the National Assembly in the city of Managua on the second of July of two thousand and four. **CARLOS NOGUERA PASTORA**, President of the National Assembly. **MIGUEL LOPEZ BALDIZON**, First Secretary of the National Assembly.

Therefore: Be it enacted as a law of the Republic. Be it published and executed. Managua, seventeenth of September of two thousand and four. **ENRIQUE BOLAÑOS GEYER**, President of the Republic of Nicaragua.

ANNEX 56

Nicaragua, Presidential Decree No. 57-2005, 31 August 2005

Decree No. 57-2005

The President of the Republic of Nicaragua

Exercising the powers conferred upon him by the Political Constitution

HAS ISSUED

The following

DECREE

Art. 1 For the purposes of visa exemption and mandatory visas, three categories are established in accordance with the origin and nature of the travel document:

Category "A" – Exempted from the visa requirement

Category "B" – Consular visa or no consultation required and

Category "C" – Consulted visa

Art. 2 Nationals from the following countries, comprising Category "A", holding any type of passport, shall not require a visa to enter the national territory:

Country	Country	Country
Germany	Barbados	Cyprus
Andorra	Belgium	Republic of South Korea
Antigua and Barbuda	Belize	Costa Rica
Argentina	Brazil	Croatia
Australia	Brunei-Darussalam	Denmark
Austria	Bulgaria	Slovakia
Bahamas	Canada	Slovenia
Bahrain	Chile	Spain
United States of America	Macedonia	San Marino
Estonia	Madagascar	St. Vincent and Grenadines
Finland	Malaysia	Saint Lucia
France	Malta	Holy See (Vatican City)
Greece	Mexico	St. Thomas and Prince Islands
Hungary	Monaco	Singapore
Ireland	Norway	South Africa

Iceland	New Zealand	Sweden
Israel	Panama	Switzerland
Italy	Paraguay	Trinidad and Tobago
Marshall Islands	Poland	Turkey
Solomon Islands	Portugal	Tuvalu
Japan	Qatar	Taiwanese Republic of China
Kuwait	The Netherlands (Holland)	Uruguay
Letonia (Latvia)	United Kingdom of Great Britain and Northern Ireland	Vanuatu
	Special Administrative Regions of the People's Republic of China	
	Hong Kong. Those originating from other British territories shall not require a visa. (A)	
Lichtenstein	Czech Republic	Venezuela
Lithuania	Romania	International Organizations (OAS, UN, European Commission)
Luxemburg	St. Kitts & Nevis	

Art. 3 Nationals from the following countries, comprising Category "B" according to type of passport, shall require a consular visa to enter the national territory:

Country	ORDINARY PASSPORT	DIPLOMATIC, OFFICIAL AND SERVICE PASSPORT
Saudi Arabia	Consular visa or no consultation required	Consular visa or no consultation required
Azerbaijan	Consular visa or no consultation required	Consular visa or no consultation required
Relarus, Republic of	Consular visa or no consultation required	Visa exempted
Benin	Consular visa or no consultation required	Consular visa or no consultation required
Bhutan	Consular visa or no consultation required	Consular visa or no consultation required
Bolivia	Consular visa or no	Visa exempted

		consultation required		
Burkina Faso		Consular visa or consultation required	no	Consular visa or no consultation required
Burundi,		Consular visa or consultation required	no	Consular visa or no consultation required
Republic of		Consular visa or consultation required	no	Consular visa or no consultation required
Cape Verde		Consular visa or consultation required	no	Consular visa or no consultation required
Cambodia		Consular visa or consultation required	no	Consular visa or no consultation required
Cameroon		Consular visa or consultation required	no	Consular visa or no consultation required
Chad		Consular visa or consultation required	no	Consular visa or no consultation required
Colombia		Consular visa or consultation required	no	Visa exempted
Comoros		Consular visa or consultation required	no	Consular visa or no consultation required
Ivory Coast		Consular visa or consultation required	no	Consular visa or no consultation required
Djibouti		Consular visa or consultation required	no	Consular visa or no consultation required
Dominica		Consular visa or no consultation required		Visa exempted
Ecuador		Consular visa or consultation required	no	Visa exempted
Egypt,	Arab	Consular visa or consultation required	no	Visa exempted
Republic of		Consular visa or consultation required	no	Consular visa or no consultation required
United	Arab	Consular visa or consultation required	no	Consular visa or no consultation required
Emirates		Consular visa or consultation required	no	Consular visa or no consultation required
Fiji		Consular visa or consultation required	no	Consular visa or no consultation required
Philippines		Consular visa or consultation required	no	Consular visa or no consultation required
Gabon		Consular visa or consultation required	no	Visa exempted
Gambia		Consular visa or consultation required	no	Consular visa or no consultation required
Georgia		Consular visa or consultation required	no	Consular visa or no consultation required
Granada		Consular visa or consultation required	no	Visa exempted
Guinea		Consular visa or	no	Consular visa or no consultation

	consultation required		required
Guinea-Bissau	Consular visa or consultation required	no	Consular visa or no consultation required
Equatorial Guinea	Consular visa or consultation required	no	Consular visa or no consultation required
Guyana	Consular visa or consultation required	no	Visa exempted
Jamaica	Consular visa or no consultation required		Visa exempted
Kazakhstan	Consular visa or consultation required	no	Consular visa or no consultation required
Kenya	Consular visa or consultation required	no	Visa exempted
Kyrgyzstan	Consular visa or consultation required	no	Consular visa or no consultation required
Kiribati	Consular visa or consultation required	no	Consular visa or no consultation required
Lesotho	Consular visa or consultation required	no	Consular visa or no consultation required
Malawi	Consular visa or consultation required	no	Consular visa or no consultation required
Maldives	Consular visa or consultation required	no	Consular visa or no consultation required
Morocco, Kingdom of	Consular visa or consultation required	no	Visa exempted
Mauritius	Consular visa or consultation required	no	Consular visa or no consultation required
Mauritania	Consular visa or consultation required	no	Consular visa or no consultation required
Micronesia (Federal States)	Consular visa or consultation required	no	Consular visa or no consultation required
Moldova, Republic of (Moldova)	Consular visa or consultation required	no	Consular visa or no consultation required
Myanmar, Union of	Consular visa or consultation required	no	Consular visa or no consultation required
Namibia	Consular visa or consultation required	no	Consular visa or no consultation required
Nauru	Consular visa or consultation required	no	Consular visa or no consultation required
Niger	Consular visa or no consultation required		Consular visa or no consultation required

Palau	Consular visa or consultation required	no	Consular visa or no consultation required
Papau New Guinea	Consular visa or consultation required	no	Visa exempted
Peru	Consular visa or consultation required	no	Visa exempted
Central African Republic	Consular visa or consultation required	no	Consular visa or no consultation required
Dominican Republic	Consular visa or consultation required	no	Visa exempted
Rwanda	Consular visa or consultation required	no	Consular visa or no consultation required
Russian Federation	Consular visa or consultation required	no	Visa exempted
Samoa	Consular visa or consultation required	no	Consular visa or no consultation required
Senegal	Consular visa or consultation required	no	Consular visa or no consultation required
Country	ORDINARY PASSPORT		DIPLOMATIC, OFFICIAL AND SERVICE PASSPORT
Serbia and Montenegro (formerly Federative Republic of Yugoslavia)	Consular visa or consultation required	no	Visa exempted
Seychelles	Consular visa or consultation required	no	Consular visa or no consultation required
Suriname	Consular visa or consultation required	no	Visa exempted
Swaziland	Consular visa or consultation required	no	Consular visa or no consultation required
Thailand	Consular visa or consultation required	no	Consular visa or no consultation required
Tanzania, United Republic of	Consular visa or consultation required	no	Consular visa or no consultation required
Tajikistan	Consular visa or consultation required	no	Consular visa or no consultation required
Togo	Consular visa or consultation required		Consular visa or no consultation required

Tonga	Consular visa or no consultation required	Consular visa or no consultation required
Tunisia	Consular visa or no consultation required	Consular visa or no consultation required
Turkmenistan	Consular visa or no consultation required	Consular visa or no consultation required
Ukraine	Consular visa or no consultation required	Visa exempted
Uganda	Consular visa or no consultation required	Consular visa or no consultation required
Uzbekistan	Consular visa or no consultation required	Consular visa or no consultation required
Zambia	Consular visa or no consultation required	Consular visa or no consultation required
Zimbabwe	Consular visa or no consultation required	Consular visa or no consultation required

Art. 4 Nationals from the following countries, comprising Category "C" according to type of passport, shall require a consulted visa to enter the national territory:

COUNTRY	ORDINARY PASSPORT	DIPLOMATIC, OFFICIAL AND SERVICE PASSPORT
Afghanistan, Islamic State	Consulted visa	Consulted visa
Albania	Consulted visa	Consulted visa
Angola, Republic of	Consulted visa	Consulted visa
Algeria	Consulted visa	Consulted visa
Armenia	Consulted visa	Consulted visa
Eritrea	Consulted visa	Consulted visa
Bangladesh, People's Republic of	Consulted visa	Consulted visa
Bosnia and Herzegovina, Republic of	Consulted visa	Consulted visa
Botswana	Consulted visa	Consulted visa
China, People's Republic of	Consulted visa	Consulted visa
Congo	Consulted visa	Consulted visa
Congo, Democratic Republic of	Consulted visa	Consulted visa
Korea, People's Democratic Republic of	Consulted visa	Consulted visa

(North Korea)		
Cuba	Consulted visa	Visa exempted
Ethiopia	Consulted visa	Consulted visa
Ghana	Consulted visa	Consulted visa
Haiti	Consulted visa	Consular visa or no consultation required
India	Consulted visa	Consular visa or no consultation required
Indonesia	Consulted visa	Consular visa or no consultation required
Iraq, Republic of	Consulted visa	Consulted visa
Iran, Islamic Republic of	Consulted visa	Consulted visa
Jordan, Hashemite Kingdom of	Consulted visa	Consulted visa
Laos, Democratic People's Republic of	Consulted visa	Consulted visa
Lebanon	Consulted visa	Consulted visa
Liberia	Consulted visa	Consulted visa
Libya (Great Socialist People's Libyan Arab Jamahiriya)	Consulted visa	Consulted visa
Mali	Consulted visa	Consulted visa
Mongolia	Consulted visa	Consulted visa
Mozambique	Consulted visa	Consulted visa
Nepal	Consulted visa	Consulted visa
Nigeria, Federal Republic of	Consulted visa	Consulted visa
Oman	Consulted visa	Consulted visa
Pakistan, Islamic Republic of	Consulted visa	Consulted visa
Sierra Leone, Republic of	Consulted visa	Consulted visa
Syria, Arab Republic of	Consulted visa	Consulted visa
Somalia, Democratic Republic	Consulted visa	Consulted visa
Sri Lanka, Socialist Democratic Republic of	Consulted visa	Consulted visa
Sudan, Republic of	Consulted visa	Consulted visa
East Timor	Consulted visa	Consulted visa
Vietnam	Consulted visa	Consulted visa
Palestinian Authority, Carrying valid passport	Consulted visa	Consulted visa

or other travel document
issued by the Palestinian
Authority

**Entities or Territorial
Authorities Not
Recognized as States**

**VALID PASSPORT OR OTHER
TRAVEL DOCUMENT**

Saharawi Democratic Arab Consulted visa
Republic

Art. 5 Nationals from the countries mentioned in the foregoing article shall require a visa authorized by the Immigration and Naturalization General Directorate to enter the national territory after complying with the requirements established under the law.

Art. 6 Visa Exemption Agreements signed by the Republic of Nicaragua with other States shall remain in force, as well as those signed by the United Nations and the Organization of American States.

Art. 7 The Ministry of Foreign Affairs and the Ministry of Governance shall be responsible for the execution of this Decree through the Immigration and Naturalization General Directorate.

Art. 8 The present Decree repeals Decree No. 94-2001, published in the Official Journal La Gaceta No. 189 of 5 October 2001 and shall enter into force from the date of publication in the Official Journal La Gaceta.

Done in the city of Managua, Presidential Office, on the thirty-first of August of two thousand and five.

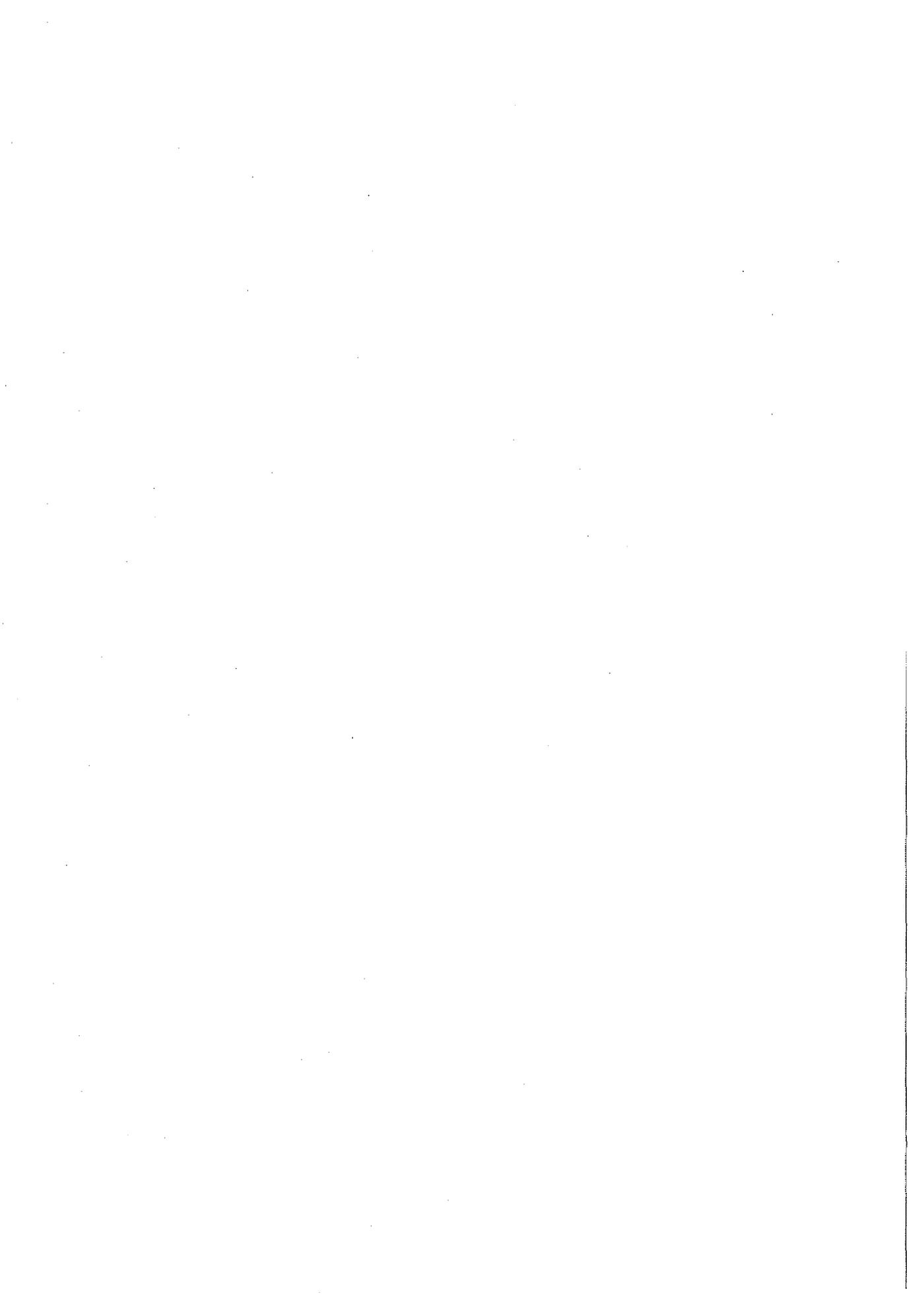
**ENRIQUE BOLAÑOS GEYER
PRESIDENT OF THE REPUBLIC**

**Julio Vega Pasquier
Minister of Governance**

ANNEX 57

**Ministry of the Environment and Natural Resources Ministerial
Resolution No. 029-2006, including the almendro tree (*Dipteryx
Panamensis*) in the Nicaraguan Closed Season System of Wild
Species in the List of Indefinite National Closed Seasons, 16 June
2006**

Published in La Gaceta, No. 141, 21 July 2006



**THE MINISTRY OF THE ENVIRONMENT
AND NATURAL RESOURCES**

Reg. No. 10136 – M. 1855708 – Value C\$215.00

MINISTERIAL RESOLUTION No. 029-2006

The Ministry of the Environment and Natural Resources:

WHEREAS

I

That it is the duty of the State and all its inhabitants to oversee the conservation and exploitation of national biological diversity and genetic materials.

II

That for compliance of this duty by the State, specifically for the purpose of safeguarding biological diversity, numeral 1 of Article 71 of Law 217, General Law of the Environment and Natural Resources; and Article 47 of Decree 9-96, Law 217 Regulation, grant competence to the Ministry of the Environment and Natural Resources to establish a System of Closed Seasons for the purpose of safeguarding and protecting Biological Diversity.

III

That the System of Closed Seasons should group and harmonize the set of principles and provisions of which it is composed, as well as environmental and climatic conditions, seasons and zones in which the cycles of reproduction and recruitment of the different populations occur, so as to allow for effective conservation and sustainable use of wildlife species and their habitats.

IV

That the closed season is the instrument restricting and regulating the use of a determined species in times and territories where there is evidence or indication that said species is being threatened by anthropogenic factors, such as hunting, capture or extraction in the natural environment, regardless of the intended purpose.

V

That the closed season system is an instrument that allows national citizens, institutions and organizations to participate in the protection, conservation and sustainable use of wildlife species, without any limitation other than the observation of the principles and provisions of which it is composed.

VI

That since 2001, intensive commercial activity has been carried out by timber merchants and exporters, mainly to export the wood of the almendro tree (*Dipteryx panamensis*), which has put strong pressure on this species given its high demand in neighbouring countries.

VII

That the almendro tree (*Dipteryx panamensis*) is under great pressure due to illegal trade in an inaccessible border zone, which favours this type of illegal activity.

VIII

That another factor threatening the survival of this species is felling, slashing and burning practices by settlers in agricultural and livestock activities, as well as migratory agriculture.

IX

That the almendro tree (*Dipteryx panamensis*) has great ecological value given that the almond fruit represents up to 80% of the food consumed by the great green macaw (*Ara ambigua*), a species listed as endangered in Appendix I of CITES, during the critical nesting season. Further, 90% of the nests of the great green macaw are located in the almendro trees, making it the main habitat for this singular species.

Therefore, in use of its powers

RESOLVES:

To include the almendro tree (*Dipteryx Panamensis*) in the Nicaraguan Closed Season System of Wild Species in the List of Indefinite National Closed Seasons.

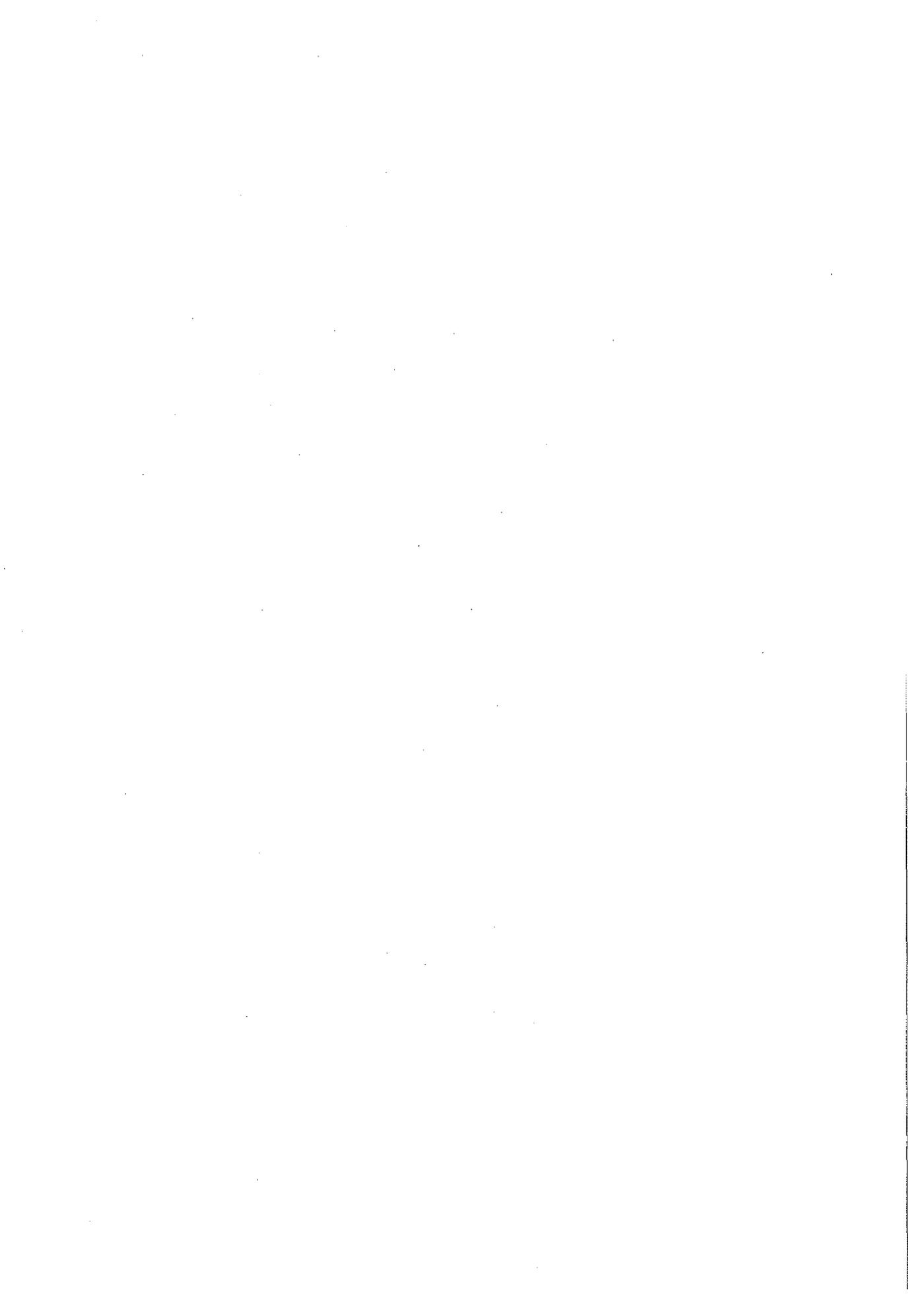
Article 1. Purpose. The purpose of this Ministerial Resolution is to include the almendro tree (*Dipteryx Panamensis*) in the Nicaraguan Closed Season System of Wild Species in the List of Indefinite National Closed Seasons.

Article 2. Scope of Application. This ministerial resolution shall apply to all natural and legal persons, national and foreign, throughout the national territory.

Article 3. Enforcing Authority. The enforcing authority of this Ministerial Resolution is the Ministry of the Environment and Natural Resources, through its Territorial Delegations, in coordination with the respective Municipal Governments, the National Forestry Institute and other pertinent authorities.

Article 4. The present Resolution shall take effect on the date of publication in any newspaper of national circulation, notwithstanding its subsequent publication in the Official Journal Gazette.

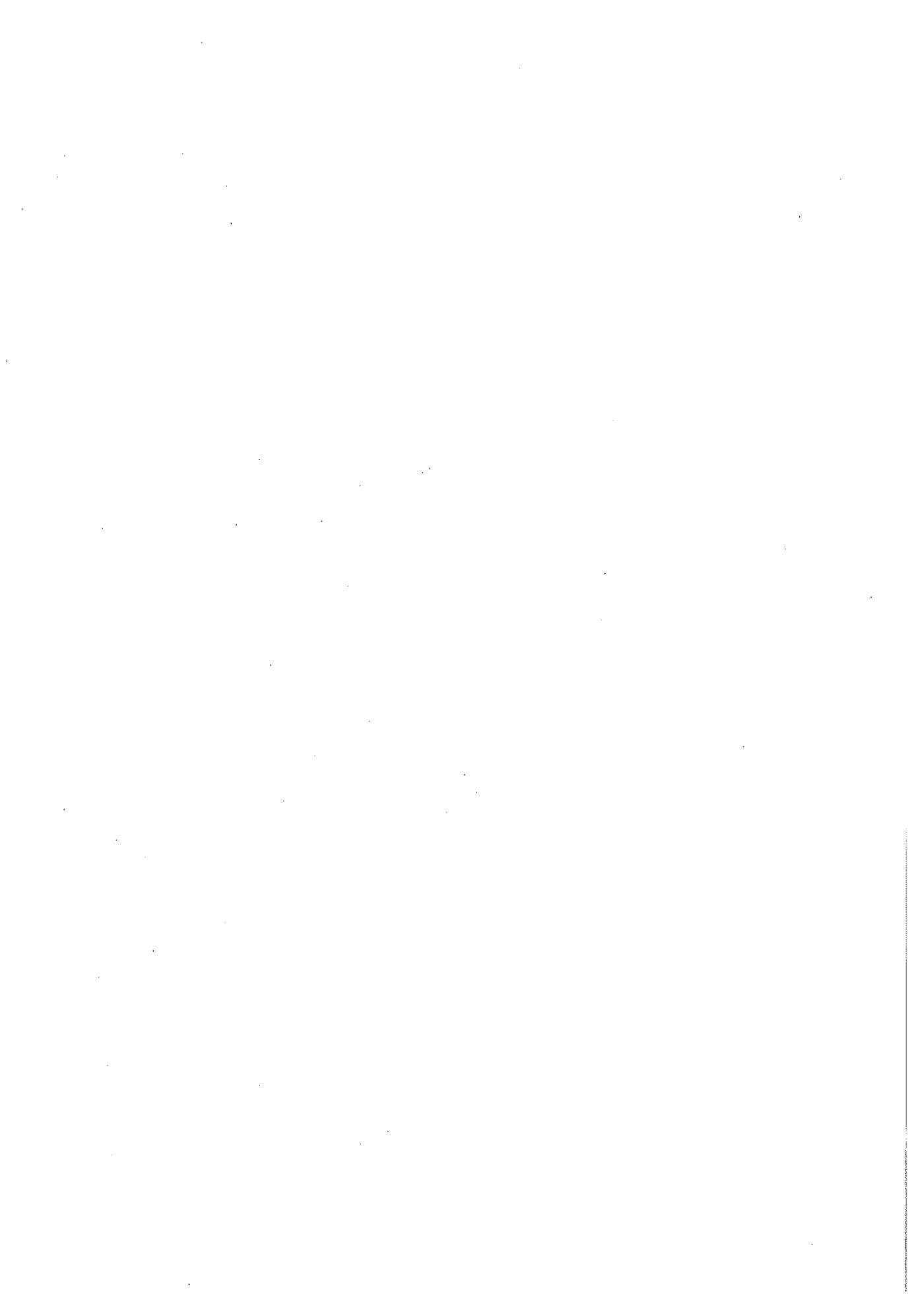
Done at the city of Managua, Nicaragua, on the sixteenth day of June of two thousand and six. **Cristóbal (Tito) Sequeira**, Minister.



ANNEX 58

**The New Pocket Dictionary, of the Spanish and English
Languages. London, 1809.**

[Extracts: Comercio/Trade]



(-167-)

(...)

Comércio, *s.m.* Trade, commerce, traffic; communication, intercourse; exchange.

(...)

(-409-)

(...)

Trade, *n.* Trato, comercio, oficio.

(...)

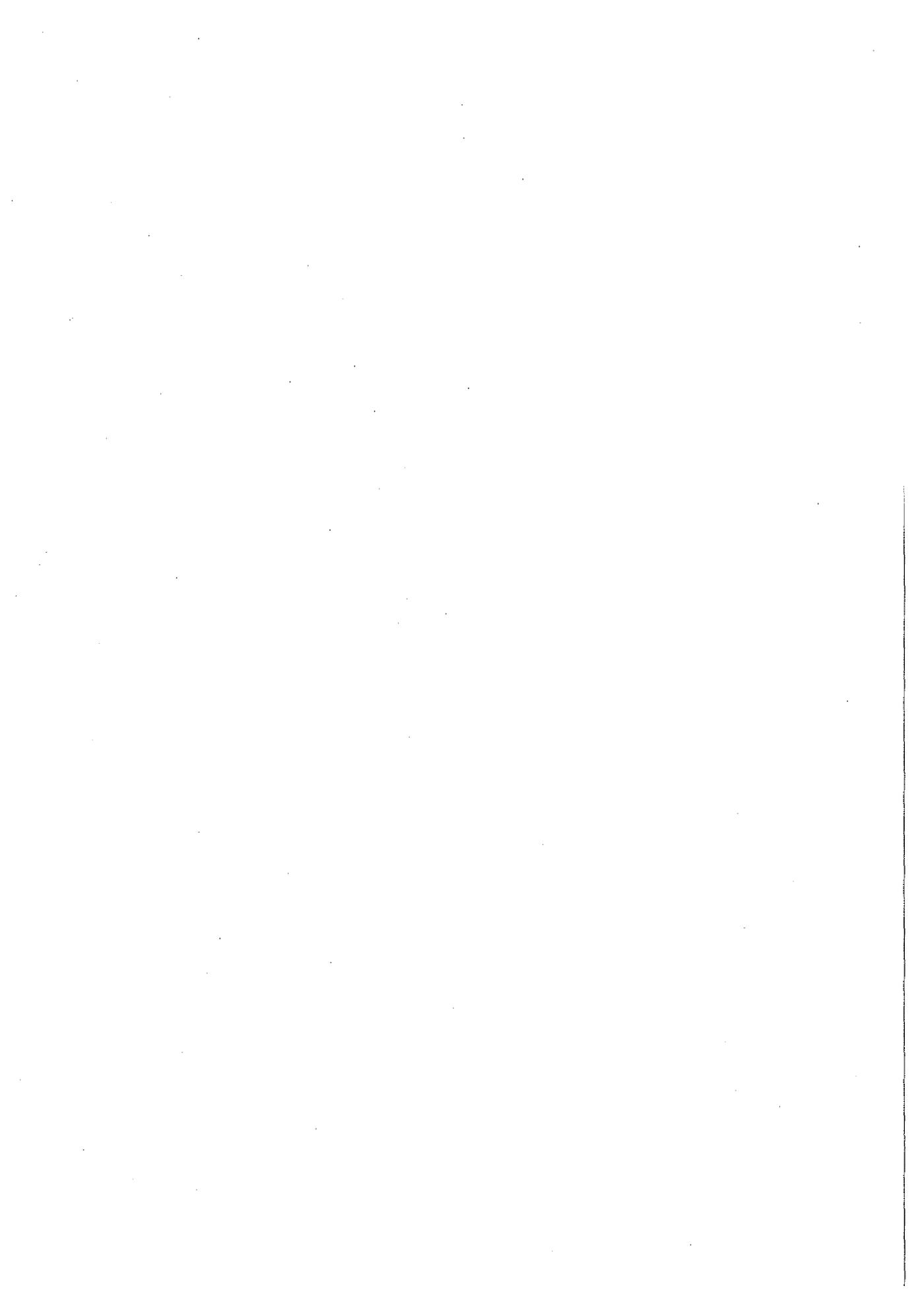


ANNEX 59

Royal Spanish Academy Dictionaries of the 19th Century

[Extracts]

- a) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Fourth Edition. Madrid, Viuda de Ibarra, 1803
- b) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Fifth Edition. Madrid, Imprenta Real, 1817
- c) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Sixth Edition. Madrid, Imprenta Nacional, 1822
- d) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Seventh Edition. Madrid, Imprenta Real, 1832
- e) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Eighth Edition. Madrid, Imprenta Nacional, 1837
- f) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Ninth Edition. Madrid, Imprenta de D. Francisco María
Fernández, 1843
- g) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Tenth Edition. Madrid, Imprenta Nacional, 1852
- h) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Eleventh Edition. Madrid, Imprenta de Don Manuel
Rivadeneyra, 1869
- i) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Twelfth Edition. Madrid, Imprenta de D. Gregorio Hernando,
1884
- j) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Thirteenth Edition. Madrid, Imprenta de los Sres. Hernando y
compañía, 1899



- a) Royal Spanish Academy, *Dictionary of the Castilian Language*. Fourth Edition. Madrid, Viuda de Ibarra, 1803.

(-210-)

(...)

COMERCIO, s. m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras. *Commercium, mercatura.*

(...)

- b) Royal Spanish Academy, *Dictionary of the Castilian Language*. Fifth Edition. Madrid, Imprenta Real, 1817.

(-216-)

(...)

COMERCIO, s. m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras. *Commercium, mercatura.*

(...)

- c) Royal Spanish Academy, *Dictionary of the Castilian Language*. Sixth Edition. Madrid, Imprenta Nacional, 1822.

(-198-)

(...)

COMERCIO, s. m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras. *Commercium, mercatura.*

(...)

- d) Royal Spanish Academy, *Dictionary of the Castilian Language*. Seventh Edition. Madrid, Imprenta Real, 1832.

(-181-)

(...)

COMERCIO, m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras. *Commercium, mercatura*.

(...)

- e) Royal Spanish Academy, *Dictionary of the Castilian Language*. Eighth Edition. Madrid, Imprenta Nacional, 1837.

(-181-)

(...)

COMERCIO, m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras. *Commercium, mercatura*.

(...)

- f) Royal Spanish Academy, *Dictionary of the Castilian Language*. Ninth Edition. Madrid, Imprenta de D. Francisco María Fernández, 1843.

(-176-)

(...)

COMERCIO, m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras. *Commercium, mercatura*.

(...)

g) Royal Spanish Academy, *Dictionary of the Castilian Language*. Tenth Edition. Madrid, Imprenta Nacional, 1852.

(-170-)

(...)

COMERCIO, m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras. *Commercium, mercatura*.

(...)

h) Royal Spanish Academy, *Dictionary of the Castilian Language*. Eleventh Edition. Madrid, Imprenta de Don Manuel Rivadeneyra, 1869.

(-188-)

(...)

COMERCIO, m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras.

(...)

i) Royal Spanish Academy, *Dictionary of the Castilian Language*. Twelfth Edition. Madrid, Imprenta de D. Gregorio Hernando, 1884.

(-262-)

(...)

COMERCIO. (Del lat. *commercium*; de *cum*, con, y *merx*, mercancía.) m. Negociacion y tráfico que se hace comprando, vendiendo, ó permutando unas cosas con otras.

(...)

j) Royal Spanish Academy, *Dictionary of the Castilian Language*.
Thirteenth Edition. Madrid, Imprenta de los Sres. Hernando y compañía,
1899.

(-244-)

(...)

COMERCIO. (Del lat. *commercium*; de *cum*, con, y *merx*, mercancía.) m.
Negociación y tráfico que se hace comprando, vendiendo, ó permutando unas
cosas con otras.

(...)

ANNEX 60

Mariano Velazquez de La Cadena, A Dictionary of the Spanish and English Languages. New York: D. Appleton and Company, 1858. [Extracts]



(-106-)

(...)

Comercio, am. Trade, commerce; commercial community; communication, intercourse; game at cards.

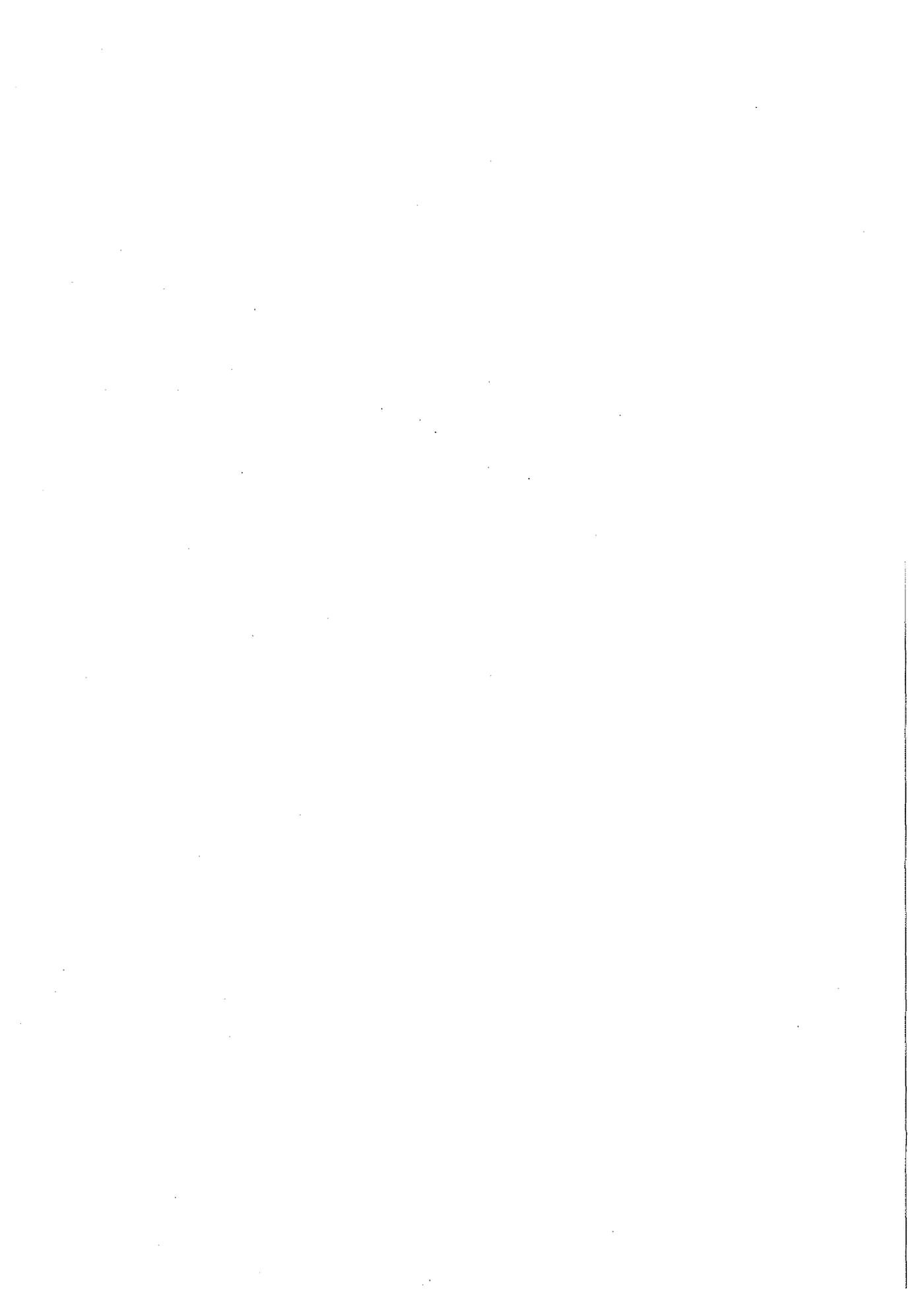
(...)

(-805-)

(...)

Trade, a. Comercio, tráfico; negocio, trato; ocupación, oficio, ejercicio.

(...)



ANNEX 61

Porter, Noah ed. Webster's Revised Unabridged Dictionary of the English Language. Springfield, MA: G. & C. Merriam Company, 1913. [Extracts]



(-58-)

(...)

Mer'chant-man (-man), n.; pl. **Merchantmen** ('men)

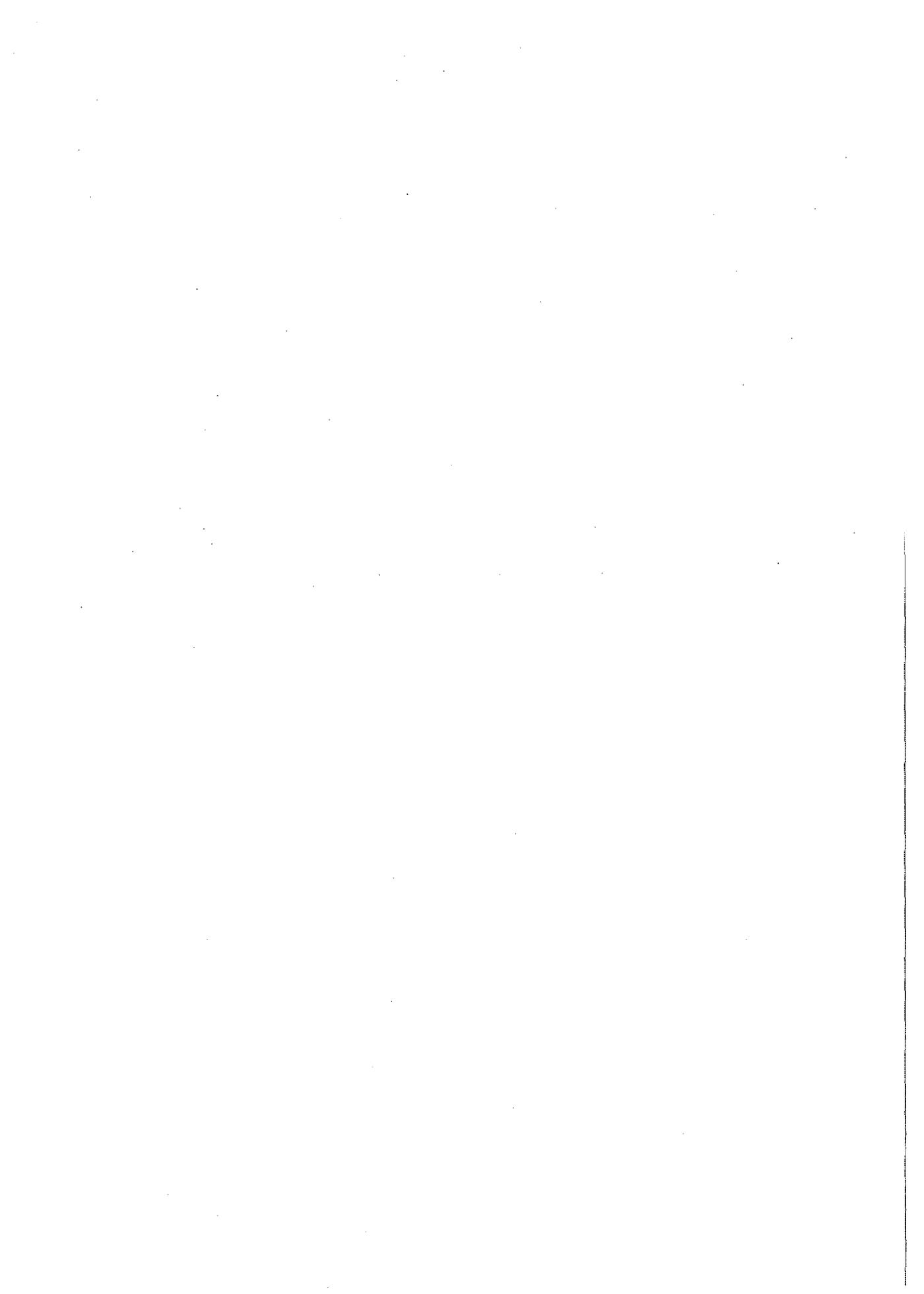
1. A merchant. [obs.] Matt.xiii.45.

2. A Trading vessel; a ship employed in the transportation of goods, as distinguished from a man-of-war.



ANNEX 62

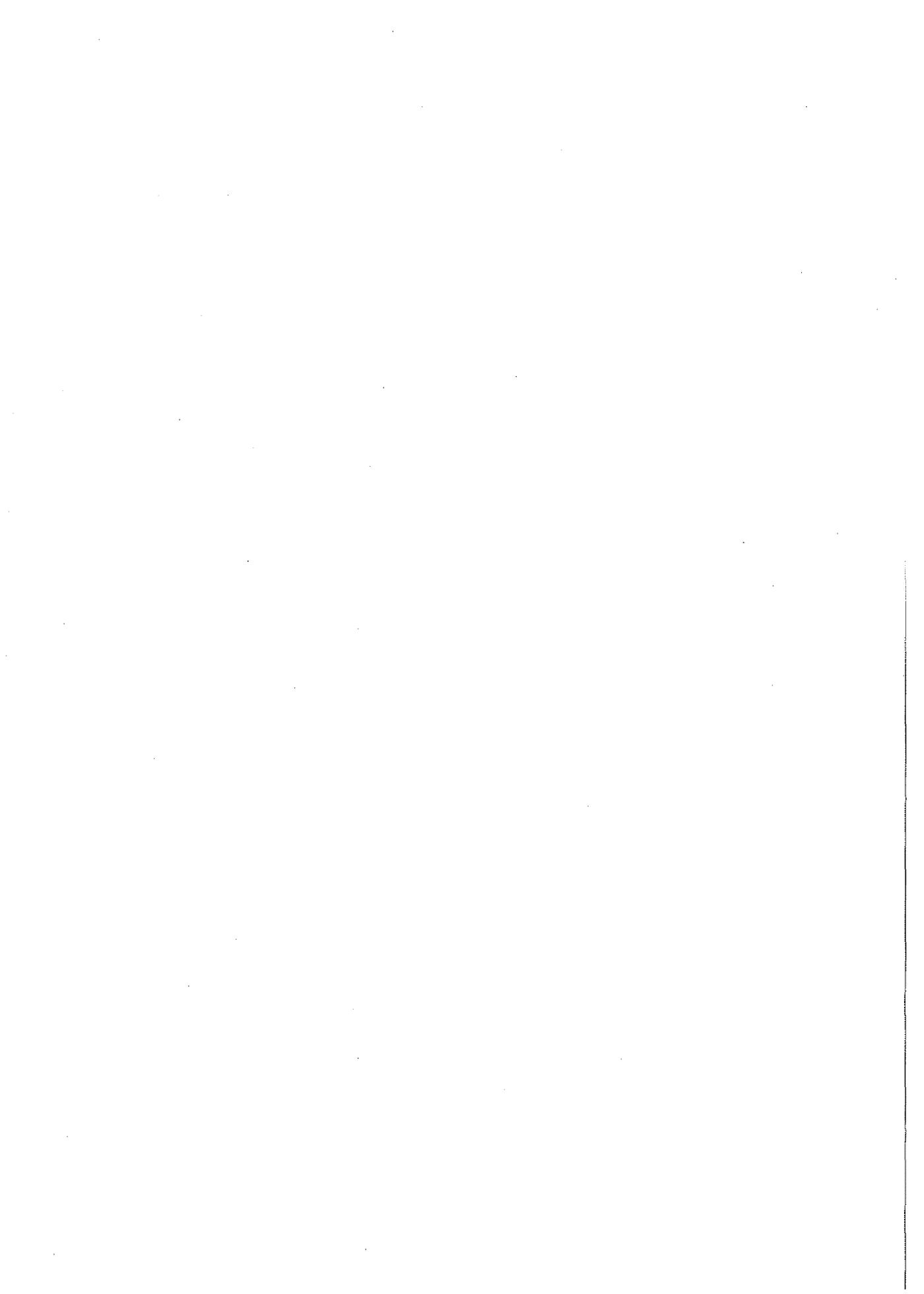
**Royal Spanish Academy. Dictionary of the Castilian Language.
Fourteenth Edition. Madrid: Imprenta de los Sucesores de
Hernando, 1914. [Extracts]**



(...)

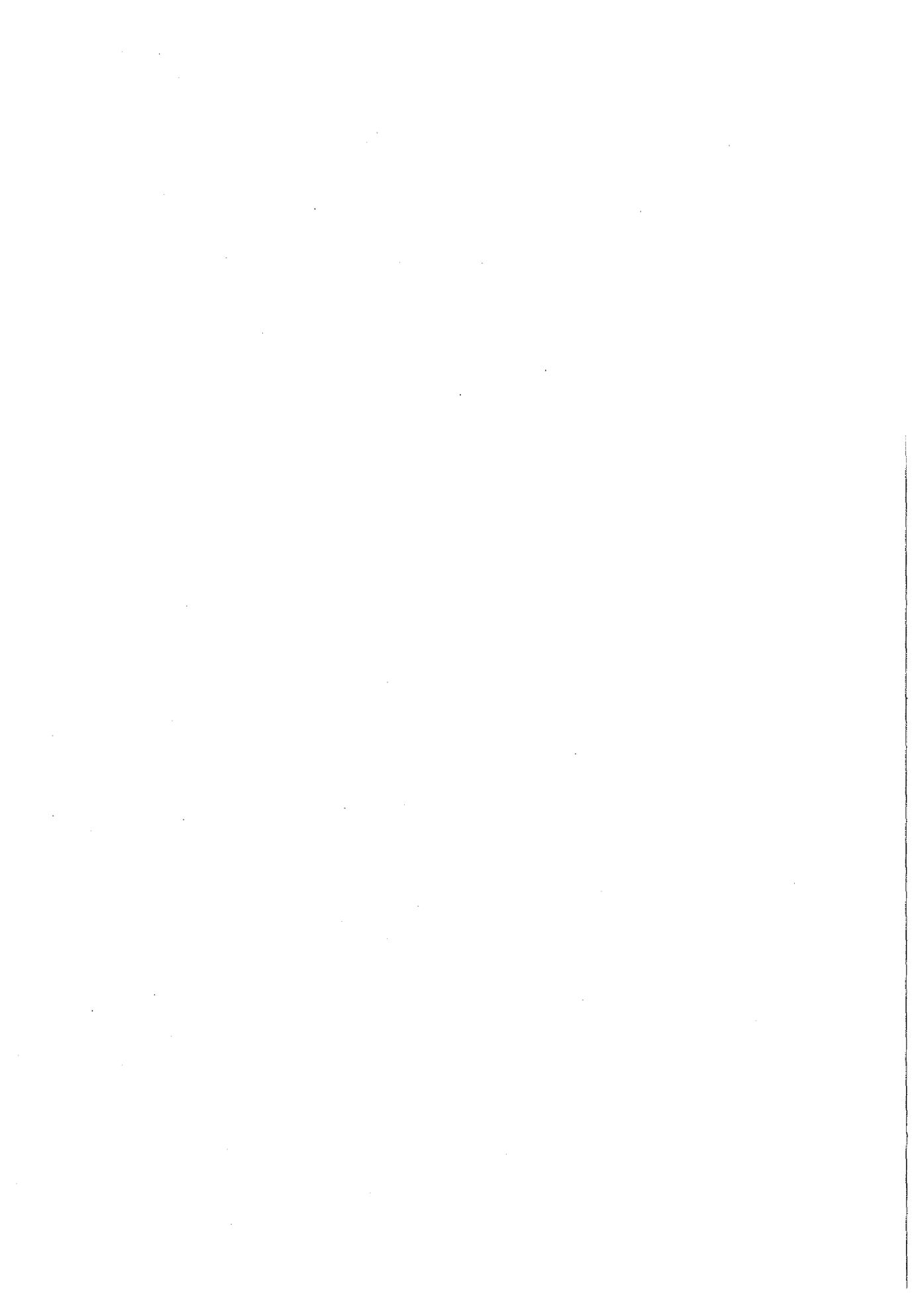
Buque. (Del germ. *buk*, vientre.) m. **Cabida**// 2 Mar. Casco de la nave.// 3 Mar. Barco con cubierta, que por su tamaño, solidez y fuerza es adecuado para navegaciones o empresas marítimas de importancia// a la carga, Mar. El que está en el puerto esperado cargamento.// **de cabotaje.** Mar. El que se dedica a esta especie de tráfico // **de cruz.** Mar. El que lleva velas cuadradas, cuyas vergas se cruzan en ángulo recto sobre los árboles o mástiles. // **de guerra.** Mar. El del Estado, construído y armado para usos militares. // **de hélice.** Mar. El de vapor, que se mueve por tal medio.// **de pozo.** Mar. El que no tiene cubierta sobre la de la batería.// **de ruedas.** Mar. El de vapor que a cada costado lleva la suya, o bien una sola en la popa//. **de torre.** Mar. El que lleva sobre cubierta una especie de torre o cilindro formado de plancha de hierro, para que desde dentro funcione un gran cañón giratorio o pueda el jefe, sin riesgo, mandar la maniobra.// **de transporte.** Mar. El del Estado, empleado en la conducción de hombres o efectos de guerra.// **de vapor.** Mar. El que se mueve a impulso de una máquina o más de esta especie, sea con ruedas o con hélice. // **de vela.** Mar. El que aprovecha con cualquier aparejo la fuerza del viento. // **en lastre.** Mar. El que navega sin carga útil. // **en rosca.** Mar. El que está acabado de construir, sin aparejo ni máquinas, y con solo al casco. // **mercante.** El de persona o empresa particular, y que se emplea en la conducción de mercancías. // **mixto.** Mar. El que utiliza la fuerza del viento y del vapor, ordinariamente con máquinas de hélice.// **submarino.** Mar. El de guerra que puede corearse herméticamente, sumergiese a voluntad con su tripulación y por medio de una maquina eléctrica, navegar dentro del agua para hacer reconocimientos en los buques enemigos y lanzarles torpedos.

(...)



ANNEX 63

**Letter from Mr. Neil Johnstone, Director of Language Services
and Documentation Division of the World Trade Organization to
Ambassador Alicia Martin, Permanent Representative of the
Republic of Nicaragua to the Office of the United Nations,
Geneva, 12 October 2006**



World Trade Organization

Direct Line: (+41 22) 739 5228
Direct Fax: (+41 22) 739 5793
Email: Neil.Johnstone@wto.org

Her Excellency Mrs. Alicia Martin
Ambassador
Permanent Representative of the Republic of Nicaragua
to the Office of the United Nations
and other International Organizations in Geneva
Rue d Vermont 37-39
1202 Geneva

Div. Reference: **sa_01**
Reg. Reference:

12 OCT. 2006

Your Excellency Mrs. Ambassador:

I have the pleasure of replying to your kind note of September 19th of this year.

With regards to question, we have not found at the Organization original texts in Spanish where the expression “objetos de comercio” was translated to English.

However, we can indicate phrases in English that have been translated to Spanish with the phrases “objetos de comercio”, to wit: “*articles of trade*” and “*wares*” (for example, in the documents WT/DS/236/R, WT/DS/257/R and WT/DS/257/ABR)

Furthermore, in the 19th century, the English expressions “*objects of trade*” and “*articles of trade*” were used to describe goods or articles that were object of trade.

Hoping this information will be useful for you, I take this opportunity to reiterate the assurances of my highest and distinguished consideration.

[Signed]
Neil Johnston
Director

Language Services and Documentation Division

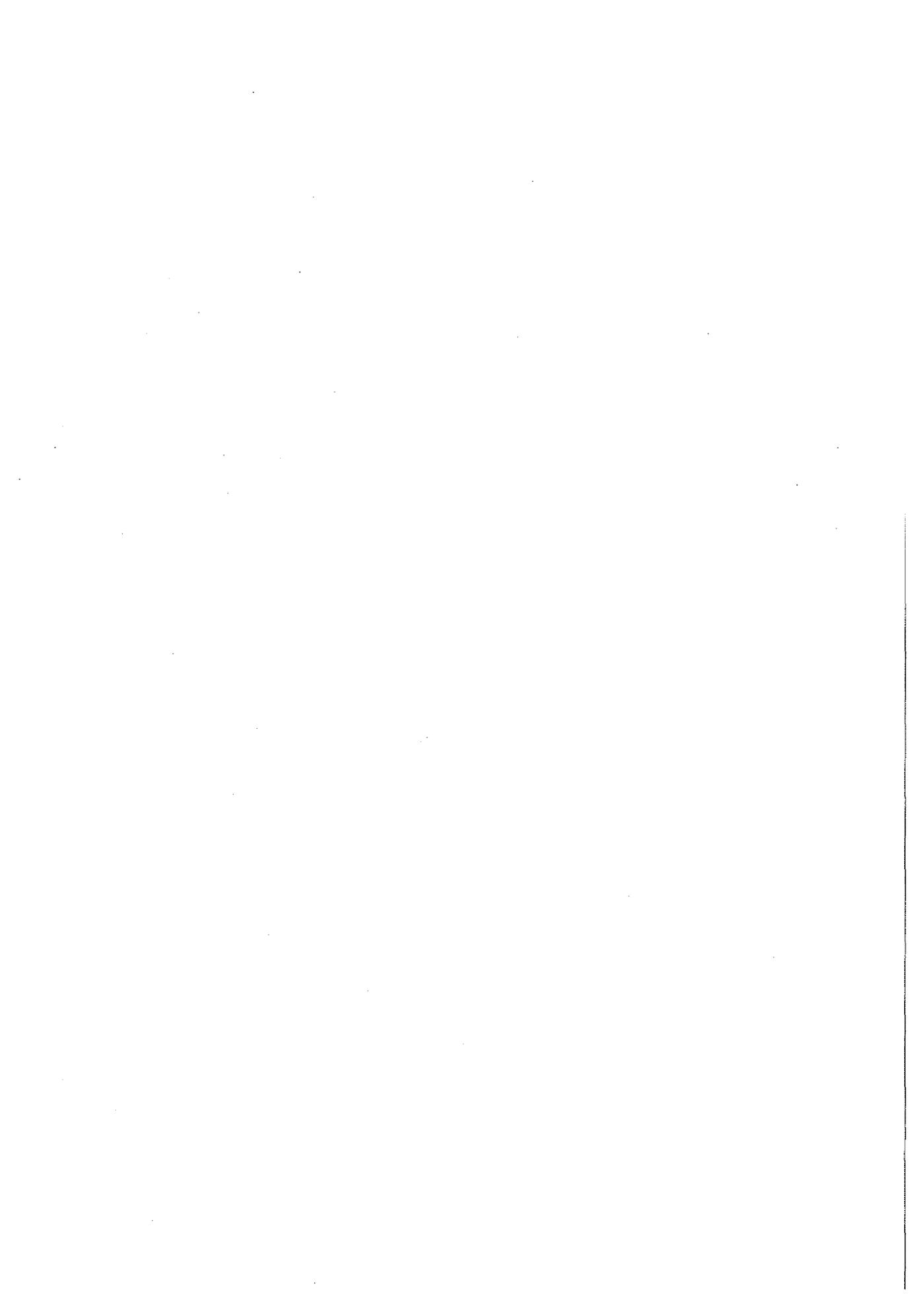
Centre William Rappard Rue de Lausanne 154 Case postal CH – 1211 Genève 21
Téléphone: (+41 22) 739 51 11 Fax: (+41 22) 731 42 06

ANNEX 64

**Formal Opinion of Dr. Manuel Seco Reymundo of the Royal
Spanish Academy**

2 May 2008

- a) English translation of Opinion and C.V. of Dr. Seco
- b) Spanish original of Opinion of Dr. Seco



**Opinion on the phrase “con objetos de comercio”
in the text of the Border Treaty between Costa Rica and Nicaragua
signed on April 15, 1858**

**By
Manuel Seco Reymundo, of the Spanish Royal Academy**

1. At the request of the Agent of the Republic of Nicaragua before the International Court of Justice, Ambassador Carlos Argüello Gómez, I present my opinion on the proper interpretation of the phrase, “*con objetos de comercio*,” which appears in Article VI of the Border Treaty between Costa Rica and Nicaragua signed on April 15, 1858.

2. I have read the entire text of the Treaty, in both its printed and handwritten versions, without finding any difference between them. Article VI reads as follows, verbatim: “*La República de Costa Rica tendrá en dichas aguas [del Río San Juan] los derechos perpetuos de libre navegación, desde la expresada desembocadura hasta tres millas inglesas antes de llegar al Castillo Viejo CON OBJETOS DE COMERCIO ya sea con Nicaragua o al interior de Costa Rica*”. The debate is over the exact meaning of the words in question, which an official version in English translates as “*FOR PURPOSES OF COMMERCE*”, or rather, ‘con fines comerciales.’

3. In order to determine the proper reading, I began by reviewing the meanings that a selection of Spanish dictionaries identify for the noun OBJETO. In listing them, I am omitting meanings that are irrelevant to this case.

a) SPANISH ROYAL ACADEMY, *Dictionary called Authoritative* (V, 1737): [1] “What is perceived with one of the senses, or something on which the senses are exercised.” [2] “The end or purpose of acts of the faculties.” [3] “The purpose or intent toward which something is directed or aimed” [quoting a passage from Solís, *Hist. Nuev. Esp.*: “*With no definite purpose [objeto] , not knowing where the gratifying obscurity of his hopes were calling him*”]. [4] “The subject matter or topic of a science; as in the subject [objeto] of Theology, which is God.”

b) SPANISH ROYAL ACADEMY, *Dictionary of the Spanish Language*, 22nd edition (2001): 1. “Anything that may be known or sensed by an individual, including the individual himself.” 2. “That which serves as subject matter or topic when exercising the mental faculties.” 3. “End or purpose of acts of the faculties.” 4. “Purpose or intent toward which an

action or operation is directed or aimed.” 5. “Subject matter or topic addressed by a science or field of study.” 6. “Thing.”

c) ESTEBAN DE TERREROS, *Spanish Dictionary* (II, 1787): [1] “That which we see, watch, love, imagine, etc.” [2] “Subject [objeto] of a science, examination, etc.” [3] “See Purpose, goal” [Purpose, “the ultimate cause, which makes us work to achieve it”].

d) MARÍA MOLINER, *Dictionary of Spanish Usage*, 3rd edition (2007): 2. “Thing. ■ In particular, tangible thing, especially one not large in size.... ‘A paperweight is an object [objeto] placed on papers to prevent them from moving.’ ■ (pl.) With the meaning of “implements” or “effects,” its use is preferred in some cases over “things”: ‘Writing implements [objetos]’...” 4. “With respect to an action, a mental operation, a feeling, etc., thing of any type, physical or spiritual, tangible or intangible, real or imaginary, abstract or concrete, toward which they are directed or on which they are exercised: ‘You are the object [objeto] of his attacks. The object [objeto] of his concern. The object [objeto] of his admiration.’ ■ Thing with which a document, conversation, conference, etc. deals: ‘The subject [objeto] of the speech.’” 5. “Thing sought in doing something: ‘The purpose [objeto] of the meeting. The purpose [objeto] for having called them. The purpose [objeto] for which we are gathered here.’”

e) MANUEL SECO, OLIMPIA ANDRÉS and GABINO RAMOS, *Dictionary of Modern Spanish* (1999): 1. “Material thing perceivable by the senses” (Alvarado, Anatomy, 87: “The functioning mechanism of the eye differs from that of a photographic device in the way that it focuses on the objects [objetos] that one wishes to see”). 1b. “Solid and inert thing” (Arce, Testament, 84: “He had something in his hands that gleamed. He seemed to be quite absorbed in the object [objeto] that he was cleaning ... with the handkerchief”). 2. “Thing that an action attempts to achieve or at which it is aimed” (Medio, Bibiana, 255: “Bibiana doesn’t have the slightest idea what the purpose [objeto] of the demonstration is.”). 3. “Person or thing with which [something (object of possession)] deals.” (Gambra, Philosophy, 15: “Each science starts out from several postulates or axioms, ..., and abides by them to deal with its subject [objeto]”). 3b. “Person or thing that receives [an act (object of possession)]” (Caro Baroja, Inquisitor, 48: “Llorente replied with a letter on behalf of his coreligionists and presented them as an ongoing object [objeto] of vengeance by a vicious court”).

4. As can be seen in the five dictionaries, lexicographers give several meanings for the noun *objeto*, some of them nuanced at times into different sub-meanings.

Although definitions are only sporadically supplemented with quotes or examples in the older works, the more modern ones do so systematically. The basic concepts found in those works can be summarized as follows:

1. **Physical thing perceivable by the senses:** *The objects [objetos] that there are on a table. An object [objeto] of art.*

2. **Purpose or objective:** *The purpose [objeto] of a meeting. Fight without a purpose [objeto].*

3. **A person or thing that receives or on which an act, activity or feeling falls:** *He is an object [objeto] of pity. He was subject to [objeto de] mistreatment. His behavior is subject to [objeto de] criticism.*

4. **Subject matter or topic:** *The subject [objeto] of a science.*

5. According to the English version of the Treaty – already given in § 2–, in the phrase, “*con objetos de comercio*,” the noun *objetos* would be used in meaning 2 of those that I have just listed, i.e. ‘for purposes of commerce.’ However, this interpretation is not indisputable. Therefore, in order to determine whether the word has this particular meaning, and not another, in this context, I have compared it with the information found on it in two 19th century textual corpora. One is Table 1 of the two tables submitted by the Costa Rican representative, which contains the very passage in question. This Table relates to the entire 19th century. The other is the Diachronic Corpus of Modern Spanish (Corpus Diacrónico del Español Actual - CORDE) of the Spanish Royal Academy (<http://www.rae.es>). I will briefly cite the two corpora – the **Table of Costa Rica** or **Costa Rica Table** and **CORDE**, respectively – below.

I also consulted the part of the *Spanish-American Lexicon 1493-1993* by Peter Boyd-Bowman (electronic edition, New York, 2003) pertaining to the 19th century, but without obtaining valid results.

6. To properly assess the information offered by dictionaries, it is important not to lose sight of the fact that this information is *lexical* in nature; therefore, it is basically limited to the content, or the different possible contents, of *a simple word* in a statement, outside of any situation. When the *potential* content is numerous, as in this case, the *real* meaning (that is, ‘de facto,’ ‘actual’) of a word in a phrase, its precise content, is only obtained thanks to *the context in which it appears in the actual speech of a specific issuer (speaker or writer)*. In other words, it is the *syntactical* and not the purely *lexical* aspect of a noun. Although the dictionary gives us the semantic *potentiality* of a word, only its specific use can give us the concrete *realization* of that potentiality.

The problem usually arises when a speaker does not succeed in expressing what he/she wishes to say with the necessary accuracy; that accuracy is usually intuitively grasped by the listener/reader thanks to the context in which the word is placed. With polysemous nouns – such as the one that concerns us here – it is natural for the different meanings to be interrelated, and for a speaker him/herself

not to be always clear as to which meaning he/she is thinking of when using the word, or even to have two close notions superimposed in his/her mind at the time. It is up to the receiver (listener or reader) to infer what the issuer really wanted to say.

7. The foregoing considerations are needed to explain why, in the following study and semantic classification of the passages selected to clarify the meaning of the specific phrase that concerns us, it is not always possible to establish with absolute certainty to which meaning an expression refers. In such cases, I have chosen the most probable interpretation. When the probabilities were fairly similar, I considered the case invalid.

8. As stated in § 6, my study was not limited to the lexical aspect, but also included the syntactical aspect. To conduct the study, I made use of the materials contained in the two corpora mentioned in § 5. I did not base the study on the simple noun *objeto* in its singular form, but rather on the noun as it appears in the text in question: in its plural form, and particularly as part of the construction “objects + of + noun (*objetos + de + sustantivo*).”

In my study, I ignored the preposition *con* [*with*] at the start of the phrase. This element is, in fact, irrelevant to the investigation. The basic connotations this proposition gives to the nouns it precedes are those of ‘company,’ ‘concomitance,’ ‘instrument or means’ and ‘mode.’ It is of interest when regularly associated with the singular form *objeto*, creating phrases such as *con objeto de* or *con este objeto* (§ 9); but this never occurs with the plural form *objetos*. *Con objetos de*, with that meaning, would be a *hapax* case (in other words, a unique case, with no confirmation).

9. I have left the singular form *objeto* out of the investigation. The reason is that in its real life, outside dictionary showcases, it does not always behave at all the same way as the plural form. A simple review of the Costa Rica Table allows for a first general observation: use of the singular *objeto* is much more abundant than the plural *objetos*. Second, when it appears, it is mostly found in the sense of “purpose or objective,” particularly in virtually lexicalized constructions, such as the prepositional phrase, *con el objeto de* (sometimes in variations, such as *con objeto de*, *con el único objeto de* and *para el objeto de*), or the adverbial phrase, *con este objeto* (and its variations, *con tal objeto*, *con ese objeto*, *con el objeto expresado*, *para este objeto*, and *para el dicho objeto*) – constructions that do not exist in the language for the plural form. This particular vitality of the meaning ‘purpose or objective’ in usage in the singular, though quantitatively large albeit with a narrow formal and semantic range, is confirmed by the fact that, in current language, that meaning has remained strong in the two aforementioned phrases and, in addition, in free usages which nevertheless have limited freedom, such as *the object [objeto] of the visit*, *the object [objeto] of his efforts*, *the object [objeto]*

of the operation, the object [*objeto*] of this book. These uses are currently under the threat, already in progress, of seeing *objeto* replaced with the synonym *objetivo* [*objetivo*].

10. The procedure I followed to clarify the issue of the true meaning of the phrase *objetos de comercio* was,

- first, a **general review** of all cases of the combination *objetos de* recorded in the CORDE for the 19th century;
- second, in view of the high number of appearances, **cataloging** the CORDE cases pertaining to the period between 1810 and 1880 (70 years, approximately the period covered by Costa Rica's Table);
- **classifying** those materials based on the meaning of each of the cases, according to the fundamental meanings of *objeto* (§ 4), then making the same classification of the materials contained in Costa Rica's Table;
- a **specific study** of the phrase *objetos de comercio* as it appears in the different source documents.

11. In the following Annexes, the cases are cited and classified according to the meaning of the noun *objetos* in the respective context, providing in each case the information that allows them to be examined in a broader context. The first is the phrase covered by this study, followed by other similar or related phrases.

Annex 1. The phrase *objetos de comercio*.

Annex 2. Phrases similar or related to *objetos de comercio*.

Annex 3. The noun *objetos* with the meaning of 'persons or things that receive or on which the act, activity or feeling expressed by the noun that follows fall.'

Annex 4. The noun *objetos* with the meaning 'purposes or objectives.'

Annex 5. The noun *objetos* with the meaning 'material things perceivable by the senses.'

Annex 6. The noun *objetos* with the meaning 'subject matters or topics.'

12. In Annex 5, the sampling of cases from the CORDE is limited to the year 1860, because after that, the number of cases skyrocketed without contributing anything of obvious interest. On the other hand, in Annex 1, the most important one for this investigation, the information-gathering time period had to be expanded considerably, as explained below.

13. For the specific phrase *objetos de comercio*, the CORDE contained three cases in the period covered by the study. They did not have the meaning 'purposes or objectives' assigned to the 1858 Treaty by the English version. Rather, the meaning was unmistakably 'things on which the activity of commerce falls.' To be more certain, I expanded my search in the corpus up to the mid-20th century, and the five records added only confirmed the meaning clearly shown in the first

three. The same interpretation is perfectly consistent with the text of the Treaty. In all the examples found, the two from Costa Rica's Table and the eight from the CORDE, the structure 'objects of + name of activity (*objetos de + nombre de actividad*)' appears; this structure is well-illustrated in Annex 2 and especially in Annex 3.

14. Consequently, based on all the information studied, my conclusion is that, in the text of Article VI of the Border Treaty between Costa Rica and Nicaragua signed on April 15, 1858, the phrase *con objetos de comercio* should be understood as 'with things on which commercial activity falls.'

And in witness whereof for all pertinent effects, I sign this Opinion in Madrid on May 2, 2008.

[Signed]

(...)

MANUEL SECO REYMUNDO

CURRICULUM VITAE (Short version)

Born in Madrid, 20 September 1928.

Bachelor in Romance Philology, Extraordinary Award, Central University (now Complutense), 1952.

Doctor in Romance Philology, Extraordinary Award, Central University (now Complutense), 1969.

Professor in Language and Spanish Literature, Institutes of Secondary Education, selected through public examination, in 1960.

Numerary Member of the Royal Extraordinary Award Academy, elected in 1979. Took charge in 1980.

Director, Seminary of Lexicography of the Royal Spanish Academy from 1981 to 1993. He became member of that Seminary in 1962, by invitation of Mr. Rafael Lapesa, where he has been editor, special editor, chief editor and academic editor.

Adviser to the Lexicographic Institute of the Royal Spanish Academy from 2000 to present.

First President of the Spanish Association of Lexicographic Studies. 2003-2004.

Member of the Board, Ramón Menéndez Pidal Foundation. 2004-2007.

Main publications (books)

Diccionario de dudas y dificultades de la lengua española. Prólogo de Salvador Fernández Ramírez (1^a ed., Madrid, Aguilar, 1961; 10^a ed., Madrid, Espasa Calpe, 1998, 14^a reimpresión, 2008).

Arniches y el habla de Madrid. Premio Rivadeneira de la Real Academia Española (Madrid, Alfaguara, 1970).

Gramática esencial del español (1ª ed., Madrid, Aguilar, 1972; 3ª ed., Madrid, Espasa Calpe, 1995. En edición de bolsillo, 1ª ed., 1994 ; 5ª ed., 2ª reimpresión, 2007).

Las palabras en el tiempo: los diccionarios históricos (Madrid, Real Academia Española, 1980). [Discurso de ingreso en la R.A.E.].

Estudios de lexicografía española (Madrid, Paraninfo, 1987; 2ª ed., aumentada, Madrid, Gredos, 2003).

Director (1981-1993) of *Diccionario histórico de la lengua española* (Madrid, Real Academia Española, Seminario de Lexicografía). Previously, from 1962 to 1980, while the director was Mr. Rafael Lapesa, he collaborated on the book and as editor, special editor, chief editor and academic editor.

Director and editor del *Diccionario del español actual*. Premio de Cultura de la Comunidad de Madrid (2 vols., 4760 págs., Madrid, Aguilar, 1999). In collaboration with Olimpia Andrés (editing) and Gabino Ramos (documentation).

Director of *Diccionario abreviado del español actual* (Madrid, Aguilar, 2000). In collaboration with Olimpia Andrés and Gabino Ramos.

Edition of *Léxico hispánico primitivo (siglos VIII al XII)*, first version of *Glosario del primitivo léxico iberorrománico*; initially planned and directed by Ramón Menéndez Pidal, and drafted by Rafael Lapesa in collaboration with Constantino García (Madrid, Fundación Ramón Menéndez Pidal/Real Academia Española, 2003).

Director of *Diccionario fraseológico documentado del español actual* (Madrid, Aguilar, 2004). Editor, Olimpia Andrés. Additional documentation, Olimpia Andrés and Carlos Domínguez.

Adviser to *Diccionario del estudiante* (Madrid, Real Academia Española, 2005), directed by Elena Zamora.

Adviser to *Diccionario práctico del estudiante* (Madrid, Real Academia Española, 2007), directed by Elena Zamora.

Awards and distinctions

Rivadeneira Award of the Royal Spanish Academy (1969), with *Arniches y el habla de Madrid*.

Culture Award (Literature) Madrid (1999), with *Diccionario del español actual*.

Grand Cross of the Civil Order of Alfonso X the Wise.

Honorary Member of the Colombian Language Academy.

Honorary Member of the Caro and Cuervo Institute, Bogota

Honorary Researcher in the Bolivian Institute of Lexicography, La Paz.

Honorary Associate of the Federation of Associations of Spanish Professors.

Honorary President of the Spanish Association of Lexicographic Studies.

Madrid, May 2008

**Dictamen sobre el sintagma “con objetos de comercio”
en el texto del Tratado de Límites entre Costa Rica y Nicaragua
suscrito el 15 de abril de 1858**

**Por
Manuel Seco Reymundo, de la Real Academia Española**

1. A instancias del Sr. Agente de la República de Nicaragua ante la Corte Internacional de Justicia, Embajador D. Carlos Argüello Gómez, expongo mi parecer sobre la adecuada interpretación de la expresión “*con objetos de comercio*” que figura en el artículo VI del Tratado de Límites entre Costa Rica y Nicaragua suscrito el 15 de abril de 1858.

2. He leído el texto íntegro del Tratado, tanto en su versión impresa como en la manuscrita, sin apreciar ninguna variante entre ellas. En su artículo VI se dice textualmente: “*La República de Costa Rica tendrá en dichas aguas [del Río San Juan] los derechos perpetuos de libre navegación, desde la expresada desembocadura hasta tres millas inglesas antes de llegar al Castillo Viejo CON OBJETOS DE COMERCIO ya sea con Nicaragua o al interior de Costa Rica*”. Se discute sobre el sentido exacto de las palabras señaladas, que una versión oficial en inglés traduce “*FOR PURPOSES OF COMMERCE*”, esto es, ‘con fines comerciales’.

3. Con el propósito de determinar cuál es la lectura correcta, he comenzado por repasar los sentidos que una selección de diccionarios del español distinguen en la voz OBJETO. Al exponerlos, omito acepciones irrelevantes para nuestro caso.

a) REAL ACADEMIA ESPAÑOLA, *Diccionario llamado de Autoridades* (V, 1737): [1] “Lo que se percibe con alguno de los sentidos, o acerca de lo qual se exercen”. [2] “El término o fin de los actos de las potencias”. [3] “El fin o intento a que se dirige o encamina alguna cosa” [cita un pasaje de Solís, *Hist. Nuev. Esp.*: “*Sin objeto determinado, sin saber hacia dónde le llamava la obscuridad lisonjera de sus esperanzas*”]. [4] “La materia o el sujeto de una ciencia; como el objeto de la Theología, que es Dios”.

b) REAL ACADEMIA ESPAÑOLA, *Diccionario de la lengua española*, 22ª ed. (2001): 1. “Todo lo que puede ser materia de conocimiento o sensibilidad de parte del sujeto, incluso este mismo”. 2. “Aquello que sirve de materia o asunto al ejercicio de las facultades mentales”. 3. “Término o fin de los actos de las potencias”. 4. “Fin o intento a que se dirige o encamina una acción u operación”. 5. “Materia o asunto de que se ocupa una ciencia o estudio”. 6. “Cosa”.

c) ESTEBAN DE TERREROS, *Diccionario castellano* (II, 1787): [1] “Aquello que vemos, miramos, amamos, imaginamos, etc.”. [2] “Objeto de una ciencia, examen, etc.”. [3] “V. Fin, blanco” [Fin, “la causa final, que nos hace obrar para conseguirle”].

d) MARÍA MOLINER, *Diccionario de uso del español*, 3ª ed. (2007): 2. “Cosa. ■ Particularmente, cosa corpórea y, en especial, de no gran tamaño ... ‘Pisapapeles es un objeto que se coloca sobre los

papeles para evitar que se muevan'. ■ (pl.) Con el significado de “ensereres” o “efectos”, se emplea en algunos casos con preferencia a “cosas”: ‘*Objetos de escritorio*’...”. 4. “Con respecto a una acción, una operación mental, un sentimiento, etc., cosa de cualquier clase, material o espiritual, corpórea o incorpórea, real o imaginaria, abstracta o concreta, a la cual se dirigen o sobre la que se ejercen: ‘*Tú eres el objeto de sus ataques. El objeto de su preocupación. El objeto de su admiración*’. ■ Cosa de la que se trata en un escrito, en una conversación, una conferencia, etc.: ‘*El objeto del discurso*’”. 5. “Cosa que se pretende al hacer algo: ‘*El objeto de la reunión. El objeto de haberles llamado. El objeto de que estemos aquí reunidos*’...”.

e) MANUEL SECO, OLIMPIA ANDRÉS y GABINO RAMOS, *Diccionario del español actual* (1999): 1. “Cosa material perceptible por los sentidos” (Alvarado, Anatomía, 87: “*El mecanismo de funcionamiento del ojo difiere del de la máquina fotográfica en la forma de realizar el enfoque de los objetos que se desean mirar*”). 1b. “Cosa sólida e inerte” (Arce, Testamento, 84: “*Algo tenía en sus manos que relucía. Parecía muy absorto en aquel objeto que limpiaba ... con el pañuelo*”). 2. “Cosa que se trata de conseguir o a la que se dirige una acción” (Medio, Bibiana, 255: “*Bibiana no tiene la menor idea del objeto de la manifestación*”). 3. “Persona o cosa sobre la que versa [algo (compl. de posesión)]”. (Gambra, Filosofía, 15: “*Cada ciencia parte de unos postulados o axiomas ..., y ateniéndose a ellos trata su objeto*”). 3b. “Persona o cosa que recibe [un hecho (compl. de posesión)]” (Caro Baroja, Inquisidor, 48: “*Llorente replicó con una carta en nombre de sus correligionarios y los presentó como objeto permanente de la venganza de un tribunal perverso*”).

4. Los lexicógrafos, según se observa en los cinco diccionarios, apuntan para la voz *objeto* varias acepciones, algunas de ellas a veces matizadas en distintas subacepciones. Las definiciones, si en las obras más antiguas solo esporádicamente aparecen completadas por medio de citas o ejemplos, en las más avanzadas lo hacen de manera sistemática. Los conceptos básicos que en ellas se exponen pueden sintetizarse así:

1. **Cosa material perceptible por los sentidos:** *Los objetos que hay sobre la mesa. Un objeto de arte.*

2. **Fin u objetivo:** *El objeto de una reunión. Pelear sin objeto.*

3. **Persona o cosa que recibe, o sobre la que recaen, un hecho, una actividad o un sentimiento:** *Es objeto de compasión. Fue objeto de malos tratos. Su comportamiento es objeto de críticas.*

4. **Materia o asunto:** *El objeto de una ciencia.*

5. Según la versión inglesa del Tratado –ya expuesta en § 2–, en la expresión “*con objetos de comercio*” se utilizaría la voz *objetos* en el sentido 2 de los que acabo de señalar; es decir, ‘con fines de comercio’. Pero no es indiscutible esta interpretación. Y para dilucidar si es este y no otro el valor que en este contexto tiene la palabra, lo he contrastado con los datos sobre ella de dos corpus textuales del siglo XIX. Uno es la Tabla I, de las dos aportadas por la representación de Costa Rica, en la cual está recogido el propio pasaje en cuestión. Esta Tabla versa sobre todo el siglo XIX. El otro es el Corpus Diacrónico del Español Actual (CORDE), de la Real Academia Española (<http://www.rae.es>). En adelante citaré

en forma abreviada los dos corpus **Tabla de Costa Rica** o **Tabla Costa Rica y CORDE**, respectivamente.

Consulté también la parte correspondiente al siglo XIX del *Léxico hispanoamericano 1493-1993*, de Peter Boyd-Bowman (edición electrónica, New York, 2003), pero sin obtener resultados válidos.

6. Para la correcta valoración de los datos ofrecidos por los diccionarios, es importante no perder de vista que en ellos tal información es de carácter *léxico* y que por tanto se limita en principio al contenido, o los diversos contenidos posibles, de *la simple palabra* abstraída de cualquier situación en un enunciado. Cuando el contenido *potencial* es múltiple, como en el caso que nos interesa, el valor *actual* (esto es, ‘de hecho’, ‘efectivo’) de la palabra en la frase, la precisión de su contenido, solo se obtiene gracias *al contexto en que ella aparece dentro del habla real de un emisor (hablante o redactor) concreto*. Esto es, la vertiente *sintáctica*, y no puramente *léxica*, de la voz. Si el diccionario nos indica la *potencialidad* semántica de la palabra, solo el uso puntual de esta puede darnos la *realización* concreta de tal potencialidad.

El problema se presenta habitualmente cuando el hablante no acierta a exponer con la necesaria exactitud lo que quiere expresar; exactitud que de modo intuitivo suele captar el oyente/lector gracias al contexto en que se inserta la palabra. En las voces polisémicas –como la que aquí nos ocupa– es un hecho natural que los varios sentidos estén emparentados unos con otros, y que el propio hablante no tenga siempre claro en cuál de ellos está pensando al usar la palabra, o incluso tenga en su mente en ese momento superpuestas dos nociones vecinas. Al receptor (oyente o lector) le toca inducir lo que de verdad quiso decir el emisor.

7. Las precedentes consideraciones son explicación necesaria de por qué, en el siguiente estudio y clasificación semántica de los pasajes seleccionados con vistas a esclarecer el valor del sintagma concreto que nos interesa, no siempre es posible establecer con absoluta seguridad a qué sentido corresponde un enunciado. En tales casos he optado por la interpretación más probable. Cuando las probabilidades eran bastante parejas, he considerado inválido el caso.

8. De acuerdo con lo dicho en § 6, he llevado a cabo mi estudio no limitándome a la vertiente léxica, sino contando con la vertiente sintáctica. Para ello me he servido de los materiales contenidos en los dos corpus mencionados en § 5. No he atendido al simple nombre *objeto* en su forma singular, sino tal como se presenta en el texto en cuestión: en su forma plural y en especial formando parte de una construcción “*objetos + de + sustantivo*”.

En mi estudio me he desentendido de la preposición *con*, inicial del sintagma. Este elemento es de hecho irrelevante para la pesquisa. Las connotaciones básicas que esta preposición aporta a los sustantivos a los que precede son las de ‘compañía’, ‘concomitancia’, ‘instrumento o medio’ y ‘modo’. Sí tiene interés cuando se asocia de manera estable con la forma singular *objeto*, constituyendo locuciones como *con objeto de* o *con este objeto* (§ 9); pero este funcionamiento nunca se da con la forma plural *objetos*. *Con objetos de*, con ese valor, sería un caso *hapax* (es decir, único, sin ninguna confirmación).

9. He dejado al margen de la investigación la forma singular *objeto*. La razón es que en su vida real, fuera de la vitrina de los diccionarios, no se comporta en todo del mismo modo que la forma plural. El simple repaso de la Tabla de Costa Rica permite una primera observación general: el uso del singular *objeto* es mucho más abundante que el del plural *objetos*. En segundo lugar, en sus apariciones es mayoría notable el sentido de ‘fin u objetivo’, de manera particular en construcciones prácticamente lexicalizadas como la locución prepositiva *con el objeto de* (a veces en variantes como *con objeto de*, *con el único objeto de* y *para el objeto de*), o la locución adverbial *con este objeto* (y sus variantes *con tal objeto*, *con ese objeto*, *con el objeto expresado*, *para este objeto*, *para el dicho objeto*) –construcciones que en la lengua no existen para la forma plural–. Esta vitalidad especial del valor ‘fin u objetivo’ en el uso singular, cuantitativamente grande pero de abanico formal y semántico estrecho, se confirma en el hecho de que, en la lengua actual, ese sentido se ha mantenido fuerte en las dos locuciones mencionadas, y, fuera de ellas, en usos libres aunque de libertad limitada, como *el objeto de la visita*, *el objeto de sus esfuerzos*, *el objeto de la operación*, *el objeto de este libro*, usos hoy bajo la amenaza, ya en marcha, de sustitución de *objeto* por el sinónimo *objetivo*.

10. El procedimiento que he seguido para esclarecer la cuestión del verdadero sentido del sintagma *objetos de comercio* ha sido,

- en primer lugar, un **examen general** de la totalidad de casos de la combinación *objetos de* registrados en el CORDE para el siglo XIX;
- en segundo lugar, en vista del elevado número de apariciones, la **catalogación** de los casos del CORDE pertenecientes al período comprendido entre los años 1810 y 1880 (70 años, aproximadamente la extensión abarcada por la Tabla de Costa Rica);
- la **clasificación** de esos materiales por el sentido de cada uno de los casos, según las acepciones fundamentales de *objeto* (§ 4), sometiendo después a la misma clasificación los materiales recogidos en la Tabla de Costa Rica;
- el **estudio particular** del sintagma *objetos de comercio* tal como aparece en una y otra fuente documental.

11. En los Anexos que siguen están reproducidos y clasificados los casos según el sentido de la voz *objetos* dentro del respectivo contexto, con indicación, en cada uno, de los datos que permiten examinarlos en contexto más amplio. Ocupa el primer lugar el sintagma objeto del presente estudio, seguido de otros sintagmas análogos o afines.

Anexo 1. El sintagma *objetos de comercio*.

Anexo 2. Sintagmas análogos o afines a *objetos de comercio*.

Anexo 3. El nombre *objetos* con el sentido de ‘personas o cosas que reciben, o sobre las que recaen, el hecho, la actividad o el sentimiento expresados por el sustantivo que sigue’.

Anexo 4. El nombre *objetos* con el sentido de ‘fines u objetivos’.

Anexo 5. El nombre *objetos* con el sentido de ‘cosas materiales perceptibles por los sentidos’.

Anexo 6. El nombre *objetos* con el sentido de ‘materias o asuntos’.

12. En el Anexo 5 está reducido el muestrario de casos del CORDE hasta el año 1860, porque a partir de ahí la cifra se disparaba sin aportar ningún interés aparente. Por el contrario, en el Anexo 1, el más importante para esta investigación, hube de ampliar considerablemente el plazo de recogida de datos, como expongo a continuación.

13. Para el preciso sintagma *objetos de comercio*, el CORDE, en el período acotado, registraba tres casos, que no correspondían al sentido de ‘fines u objetivos’ asignado por la versión inglesa al texto del Tratado de 1858, sino inequívocamente al de ‘cosas sobre las que recae la actividad del comercio’. Para cerciorarme más, amplié mi búsqueda en el corpus hasta mediados del siglo XX, y los cinco registros añadidos no hicieron más que confirmar el valor claramente mostrado en los tres primeros. La misma interpretación es perfectamente compatible con el texto del Tratado. En todas las muestras halladas, las dos de la Tabla de Costa Rica y las ocho del CORDE, se presenta la estructura ‘*objetos de + nombre de actividad*’ que está bien ejemplificada en el Anexo 2 y sobre todo en el Anexo 3.

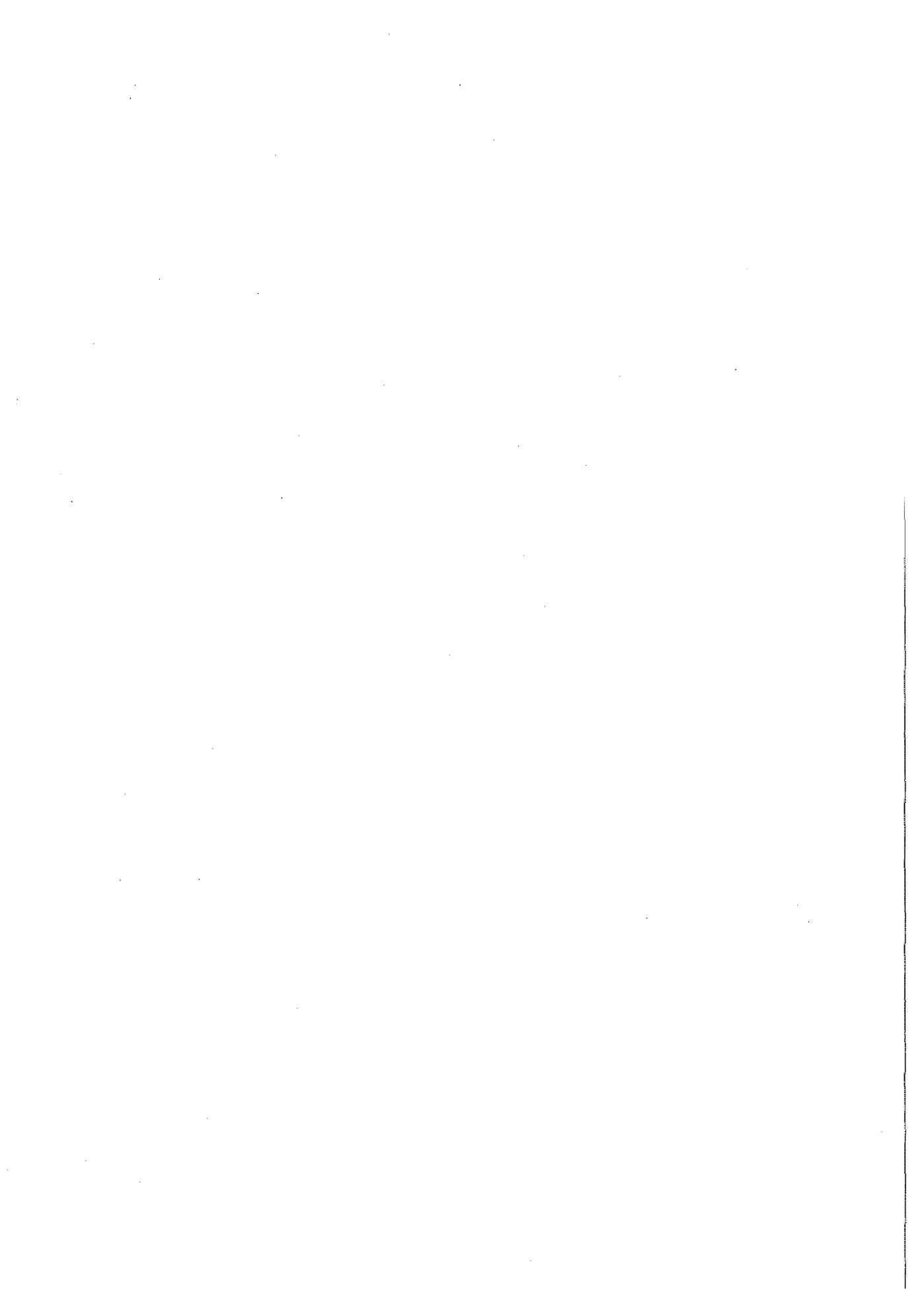
14. Mi conclusión, por consiguiente, a la vista de todos los datos estudiados, es que, en el texto del Artículo VI del Tratado de Límites entre Costa Rica y Nicaragua suscrito el 15 de abril de 1858, el sintagma *con objetos de comercio* debe entenderse ‘con cosas sobre las que recae la actividad comercial’.

Y para que conste donde convenga, firmo el presente Dictamen en Madrid a 2 de mayo de 2008.

ANNEX 65

Affidavit of William Aburto Espinoza

8 March 2008



TESTIMONY OF PUBLIC DOCUMENT NUMBER TWELVE - NOTARIAL CERTIFICATE. In the town of El Castillo, El Castillo Municipality, San Juan River Province, at three in the afternoon on the eighth of March, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2008. Mister **WILLIAM ABURTO ESPINOZA**, stands before me and in his own name, with identity card number 522-060246-0000E, of age, single, carpenter and retired boatman, and domiciled in El Castillo, River San Juan Province. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

First: I am a citizen of Nicaragua, born in the town of El Castillo, El Castillo Municipality, San Juan River Province, the sixth of February, 1946. As I was born in El Castillo, where I have spent all my life, I am very familiar with the activities on the San Juan River. I am currently retired and living in El Castillo.

Second: During the 1960s, I worked on the river transporting fuel and sometimes goods between communities located on the river. My river shipment business ended in the 1970s due to the onset of the war in Nicaragua. While I was working on the river, there were a few Costa Ricans and Nicaraguans who navigated the river like myself to transport goods from one community to another. None of these boatmen used the river for shipments outside the local river communities. The materials being transported on the river in the 1960s were mostly fuel, bananas, coconut oil, and wood, all from the same areas.

Third: Some of my shipments began at Puerto Viejo, continuing on the Sarapiquí River and crossing into the San Juan River. When leaving Puerto Viejo, Costa Rica, I was required to pay five córdobas or colones for the departure clearance certificate. Upon reaching the Costa Rican military post at Sarapiquí, I had to stop and report myself and show the certificate I had previously purchased. After crossing the San Juan River in Nicaraguan territory both the Nicaraguan and Costa Rican boatmen were required to register at the Sarapiquí post in Nicaraguan territory and pay the departure clearance certificate fee of five córdobas.

Fourth: During this time, there was very little activity on the river. I would roughly estimate that there were 150 families living along the entire bank of the San Juan River, including a small community with a school located at Sarapiquí. Almost no one lived near Delta, at the beginning of the Colorado River, or near Boca San Carlos. There were also no settlements on the Nicaragua bank of the San Juan River, except for the one at San Juan del Norte, today San

Juan de Nicaragua. During the twelve hour trip between San Juan del Norte and El Castillo, I would normally see one or two boats on the river. Most of the boats that I saw were small boats belonging to the local neighbors, who lived in Costa Rican territory, navigating short distances in their private boats for personal reasons.

Fifth: It was rare for a boat to navigate at night. Local residents and other boatmen made their trips during the day, and only used the river at night in cases of emergency. It is dangerous to navigate the San Juan River at night because it becomes dark quickly and there are trees and large pieces of wood in the river in addition to large sand banks.

Sixth: During that time, Costa Rica had two military posts on the bank, one at the mouth of the San Carlos River and the other at the mouth of the Sarapiquí River. They did not have any customs stations on the San Juan River, or at Puerto Viejo, or at Sarapiquí. Neither did they have any customs posts at any of the docks on the San Carlos River. The Costa Rican officers at the two military posts on the San Juan River did not attempt to regulate, control or interfere with any of the boat traffic on the San Juan. They only supervised boats when they entered and navigated on the Sarapiquí and San Carlos Rivers. From time to time I saw Costa Rican Civil Guard boats traveling on the San Juan River, but they never attempted to exercise any authority on the river and the times that I observed them they were unarmed.

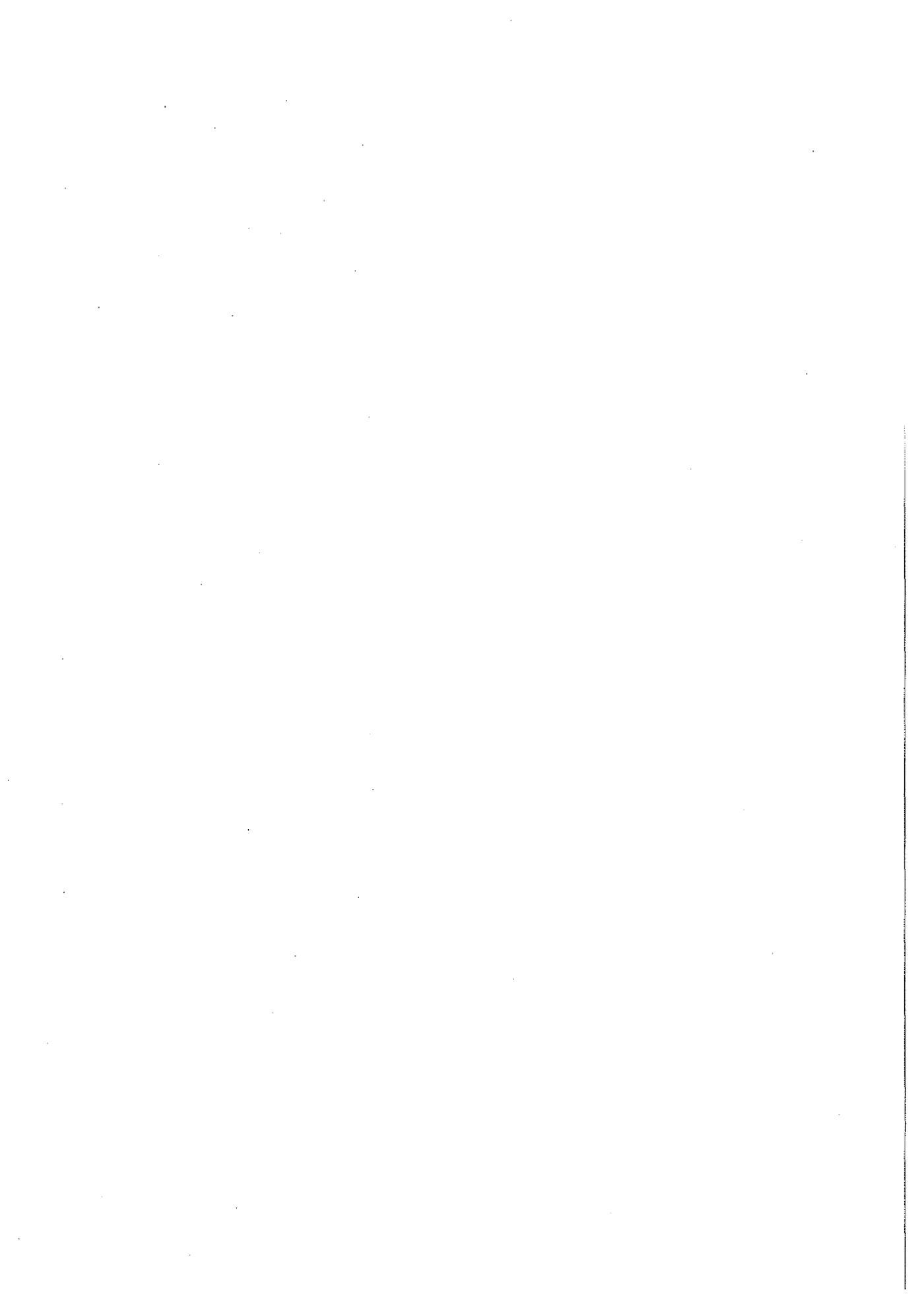
As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to liberate the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) WAburtoE (f) Molina.

This occurred before me from the back of folio number eleven to the back of folio number seventeen, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on one page of legally sealed paper, which was signed, sealed, and dated, in the city of Managua, at ten in the morning of the tenth of March, 2008.

ANNEX 66

Affidavit of Rigoberto Acevedo Ledezma

27 May 2008



TESTIMONY OF PUBLIC DOCUMENT NUMBER SEVENTEEN - NOTARIAL DECLARATION. In the town of Greytown, Municipality of San Juan de Nicaragua, San Juan River Province, at eleven in the morning on the twenty-seventh of May, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua and in transit through this town, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2013. Mister **RIGOBERTO ACEVEDO LEDEZMA**, stands before me and in his own name, with identity card number 525-030962-0000J, of age, single, businessman, and domiciled in the town of Greytown, Municipality of San Juan de Nicaragua, San Juan River Province. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

FIRST: I am a citizen of the Republic of Nicaragua, born in Greytown, Municipality of San Juan de Nicaragua, San Juan River Province, on the third of September, 1962. I currently work as a boatman, transporting goods between Puerto Viejo, Costa Rica, and San Juan de Nicaragua. I have been doing this work for over ten years. As a result, I navigate the San Juan River between the two countries approximately three times per month. My business involves transporting basic food supplies from Puerto Viejo to several small shops and local restaurants located in San Juan de Nicaragua. On the return, I rarely transport goods on the same route, as there is little commerce out of San Juan de Nicaragua, except for an occasional delivery of coconuts to Puerto Viejo.

SECOND: During my trips, I have not seen many boats that transport merchandise. In the stretch between Puerto Viejo and San Juan de Nicaragua, only I am dedicated to transporting goods. Until one year ago, there were two more Costa Rican boatmen who traveled this same route. Another two Nicaraguans cover the area between San Juan de Nicaragua and El Castillo, transporting products of basic necessity. Also, for the last ten years three boatmen have been navigating, two of whom are Costa Rican and one who is Nicaraguan, using the San Juan River to transport shellfish from San Juan de Nicaragua to Puerto Lindo, Costa Rica.

THIRD: The route that I normally travel begins in Puerto Viejo, Costa Rica, and continues North on the River Sarapiquí which ends at the San Juan River. Later, I continue East on the San Juan River ending at San Juan de Nicaragua, where the eastern most point of the river is located until its outlet into the Caribbean Sea (Atlantic Ocean). On this route, I pass both the Costa Rican and Nicaraguan military posts located at Boca de Sarapiquí, in addition to the Nicaraguan posts located at Delta, where the San Juan River divides and the

Colorado River begins, and the post at San Juan de Nicaragua. There is no regulatory process upon exiting Puerto Viejo. The Costa Rican authorities do not require me to obtain a departure clearance certificate, however once a year they carry out a technical inspection of the boat. As there is no customs office, there is also no need to declare the goods that I bring from Nicaragua, and there is no requirement to pay any taxes on imports or exports at Puerto Viejo. Upon reaching the Costa Rican Sarapiquí post, which is about three hours from Puerto Viejo, I must bank my boat and register with the Costa Rican authorities by providing information on myself, the boat, the cargo and the destination. After entering into Nicaraguan territory by the San Juan River, I must also bank my boat, and register by providing information on myself, the boat, the cargo and the destination. I am then required to submit my boat to a safety inspection by the Nicaraguan authorities and, upon passing the inspection, to purchase a departure clearance certificate for my boat, at a cost of twenty córdobas. I am not aware of any occasions when any of the Costa Rican boatmen who navigate the river taking goods either to Nicaragua or to Costa Rica have been prevented from completing their trip, by Nicaraguan authorities posted along their routes. As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to liberate the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) Illegible (f) Molina.

This occurred before me from the front of folio number forty-seven to the front of folio number forty-eight, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on one page of legally sealed paper, which was signed, sealed, and dated in the city of Managua, at four in the afternoon of the thirtieth of May, 2008.

ANNEX 67

Affidavit of Benedicto Adam Borges Requenes

26 May 2008



TESTIMONY OF PUBLIC DOCUMENT NUMBER TWENTY-SIX - NOTARIAL DECLARATION. In the city of San Carlos, San Juan River Province, at two in the afternoon on the twenty-sixth of May, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua and in transit through this town, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2013. **BENEDICTO ADAM BORGES REQUENES**, stands before me and in his own name, with identity card number 521-110877-0001W, of age, single, with the office of forest ranger, and domiciled in the city of San Carlos. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

FIRST: I am a citizen of the Republic of Nicaragua. My Nicaraguan cedula number is 521-110877-0001W. I was born in the city of San Carlos, San Juan River Province, Nicaragua on the eleventh of August, 1977. I am a forest ranger of the Nicaraguan Ministry of Environment and Natural Resources (Ministerio del Ambiente y Recursos Naturales or MARENA). I am currently the Chief of the San Juan de Nicaragua garrison. I have held this position for twelve years. My duty as a forest ranger is to conserve and promote the environmental resources and protect against the degradation and predation of the flora and fauna, in the San Juan River - Nicaragua Biosphere Reserve, which includes the Indio Maíz Biological Reserve and the San Juan River Wildlife Refuge, located in southern Nicaragua.

SECOND: The Indio Maíz Grand Reserve was established in 1990, under Presidential Decree 527. This decree mandated the Institute of Environment and Natural Resources (Instituto de Ambiente y los Recursos Naturales or IRENA), as the Ministry of Environment and Natural Resources was then called, to protect against the following activities prohibited in the reserve: "the expansion of agro-fishing activities, burnings, the logging of forests, the hunting and fishing of protected species, including by nets, fishing lines, explosives or toxic liquids and any other activity which provides for irreversible destruction or permanent damage to the resources, in its aquatic and terrestrial environments inside the reserve."

THIRD: In May 1999, under Presidential Decree 66 , the San Juan River was separated from the Indio Maíz Biological Reserve and established as its own protected area, under the name of the San Juan River Wildlife Refuge.

FOURTH: These protected areas are managed under the framework of several international agreements. Since 1977, Nicaragua joined the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), which requires Nicaragua to strictly control the trade of threatened species found in its territory. Currently, over 104 species protected within the Indio Maíz Reserve are on the CITES Convention list, including 42 bird species, 36 mammals, 18 reptiles, and 8 amphibians. On November 30, 1997 the Government of Nicaragua signed the Convention on Wetlands of International Importance especially as Waterfowl Habitat, referred to as the RAMSAR Wetlands Convention, thus obligating itself under the terms of the agreement to protect and conserve its important wetlands. On August 11, 2001, the San Juan River Wildlife Refuge was designated an international protected area, under the RAMSAR Convention. The designation under the RAMSAR Convention further extended the Nicaraguan Government's obligation to the international community to continue to protect the flora and fauna of the reserve, including the San Juan River. Then, in July 2003, UNESCO's Man and the Biosphere Programme designated the Southeastern Biosphere Reserve and additional territory as an international biosphere reserve. This designated area, named the River San Juan Biosphere Reserve, covers eighteen thousand three hundred forty square kilometers.

FIFTH: The Biosphere reserve is acknowledged as one of the two most extensive biological areas of the Mesoamerican Biological Corridor. It is referred to as the "lungs of the Americas," as its trees create an immense quantity of oxygen relied on by many people and animals to survive. The Indio Maíz and San Juan River reserves cover a variety of ecosystems including tropical humid forests and wetlands, tidal marsh, coastal lagoons and estuaries, which are home to a variety of indigenous, rare, and protected species in addition to plant genetic resources. The species protected within the Indio Maíz Reserve include pumas, jaguars, sloths, wild boars, pacas, and monkeys, not to mention poison dart frogs, snakes, turtles, and iguanas. The San Juan River alone harbors four species of turtles, manatees, tilapia, gaspar, crocodiles, lagunero, robalo, sharks, and shrimp, among numerous other species. Notably, the sharks, snooks, tarpon, and tropical gar use the San Juan River to swim to Lake Nicaragua, where they reproduce, though most of the sharks have disappeared due to human activity, including fishing. Many of these aquatic species are rare and endangered such as the bull shark, the smalltooth and largetooth sawfish of the Cocibolca Lake, and the tarpon. Thus the protection of aquatic species in the river and terrestrial species in the reserve is of extreme importance under both domestic and international obligations and agreements.

SIXTH: I am one of two MARENA officials located at the San Juan de Nicaragua post adjacent to the San Juan River. There are three other MARENA

posts along the portion of the river over which Costa Rica claims rights, at San Juan del Norte, Delta, Sarapiquí, and Boca San Carlos. There are two MARENA officials at the Delta post, two at the Sarapiquí post, two at the San Juan del Norte post, and two at the Boca San Carlos post. All of the MARENA officials stationed along the San Juan River, myself included, have the responsibility to protect against the dangers to successful conservation of the reserve.

SEVENTH: The greatest dangers which occupy a majority of our efforts on the River San Juan are illegal logging, fishing, and hunting, in addition to the illegal occupation of land within the reserves. The illegal cutting and trafficking of protected trees is a major problem along the river. Illegal loggers, primarily from Costa Rica, enter the reserve to take semi-precious woods, including almond trees, caubilla, and mahogany, which are in high demand on the international market. Also, much of the forested areas on the Costa Rican side of the river have been cut down to provide space for the cattle farms, so local users illegally search for wood for a variety of purposes on the Nicaraguan side of the river. In 2007 alone, MARENA captured over 1,000 trunks and planks of wood which had been taken illegally from the protected area along the San Juan River.

EIGHTH: Both Nicaraguans and Costa Ricans are prohibited from fishing from boats in the San Juan River, using lines or nets, in order to avoid the depletion of the aquatic species within the reserve. Following the river's designation as a protected area, MARENA officers were sometimes lenient with river dwellers, allowing them to fish from boats in the river, despite the river's protected status. Unfortunately, this led to widespread abuse of the the privilege, as local residents began placing large shrimp traps and fish nets in the river for commercial purposes, and using fishing as a pretense for illegally crossing and entering into the Indio Maíz Reserve. As a result, MARENA was compelled to protect the Refuge more strictly. Fishing is thus permitted from the Costa Rican bank only. This permits local residents to meet their subsistence needs, without endangering aquatic life in the river. Sport fishing is permitted within specifically designated areas near San Juan del Norte and El Castillo, for short periods of time. These permits are granted on limited occasions.

NINTH: Frequently, residents cross over from Costa Rica into the terrestrial area of the San Juan River Wildlife Refuge and the Indio Maíz Grand Reserve to illegally hunt for large mammals and birds, either for sale as meat or as pets. Much of this illicit hunting activity takes place at night or during the weekend. Deer, paca, and peccary meat, among others, are sold in the local markets found within Costa Rica or are eaten by the hunters themselves. Also, parrots and macaws, and sometimes monkeys, are sold as pets. Many species, including the scarlet macaw have become endangered as a result of hunting and the destruction of their habitat by logging activities. Because of this, MARENA

often searches boats on the river for cages, traps, and illegally captured animals, or plants and wood taken from the reserve.

TENTH: Because of the size of the reserve territory and the limited number of MARENA posts on the river, prevention of the illegal occupation of land within the reserve has also been a challenge. Repeatedly through the years, Costa Rican citizens have illegally occupied land in the Nicaraguan reserve area. These occupations and clearing of land violate the laws protecting the reserve and cause great damage to the surrounding environment. To avoid these incursions, MARENA officials, assisted by the army troops stationed in the area, patrol the river to prevent illegal crossings and regulate the registration of the entry and exit of individuals on the river, to ensure that they do not enter the reserve or engage in illegal activities in the reserve or on the river. As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to liberate the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) Illegible (f) Molina.

This occurred before me from the back of folio number forty-four to the front of folio number forty-seven, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on two pages of legally sealed paper, which was signed, sealed, and dated in the city of Managua, at two in the afternoon of the thirtieth of May, 2008.

ANNEX 68

Affidavit of General Javier Alonso Carrión McDonought

24 June 2008



TESTIMONY OF PUBLIC DOCUMENT NUMBER TWENTY-NINE - (NOTARIAL DECLARATION). In the city of Managua, at six at night on the twenty-third of June, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, of this domicile and residence, duly authorized by the Honorable Supreme Court of Justice to act as Notary during the five year period that expires on the fifteenth of April, 2013. Mister **JAVIER ALONSO CARRION McDONOUGHT**, stands before me, of age, married, retired from military service, of this domicile, who identifies himself with identity card number zero-zero-one-two-one-one-one-five-four-zero-zero-three-five-E. Who I **SWEAR** to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act, in which he **DECLARES** the following:

FIRST: I am a citizen of Nicaragua, born in the city of Managua where I currently reside, and that I was an officer in the Army of Nicaragua from its founding in July nineteen ninety-nine. In that period the name of the army was the Ejército Popular Sandinista [Popular Sandinista Army] which was legally renamed in nineteen ninety-five Ejército de Nicaragua [Army of Nicaragua] according to legal and constitutional amendments. I retired from military service in February two thousand five. During the last five years of my service, I was the Commander in Chief of the Army of Nicaragua, with the rank of Army General, the highest-ranking military officer in Nicaragua, and was directly subordinate to the President of the Republic, in his capacity as Head of State, of Government, and Supreme Chief of the Nicaraguan Army, pursuant to the Constitution of the Republic and other Laws related to the matter. From February nineteen ninety-five to February two thousand, I was the Chief of the General Staff of the Nicaraguan Army, with the rank of General, the second-highest ranking military officer, subordinate to the Commander in Chief of the Army. Before that, from February nineteen ninety to February nineteen ninety-five, I was the Deputy Commander of the General Staff and Chief of the Operations and Plans Directorate, during those five years I held the rank of Army Colonel.

SECOND: In all three of these positions, covering the last fifteen years of my military service between nineteen ninety and two thousand five, I exercised command responsibility in all the country, including the San Juan River, its adjacent area, and the national boundary. Under Presidential mandate, I had relationships with the various Powers of the State, government institutions, and international civilian-military relations. The San Juan River occupied a considerable amount of the General Staff's attention during this time, because it is in a remote and scarcely populated area of the country. The Army is responsible for border security, security in the region, there being no State and Government

institutional presence, like immigration, customs, etc. The river is itself a protected natural resource, as well as the gateway to the other environmentally protected areas, like the fragile Indio Maíz Grand Biological Reserve. And it forms part of the boundary with Costa Rica, which begins on the right bank of the San Juan River. For these reasons, I have been familiar with the activities of the Army of Nicaragua on the San Juan River, and the relations between the Army of Nicaragua and the *Guardia Civil* of Costa Rica along the river.

THIRD: Following the end of Nicaragua's internal conflict in nineteen ninety, when usage of the San Juan River has become a virtual scene of that conflict, the river returned to normal, and the Army of Nicaragua early resumed its constitutional and legal mission to assure the security of commercial and personal navigation on the river for the vessels navigating there, by registering of their presence at the border posts along the river, and obtaining a departure clearance certificate manifesting the vessels safety for navigation. This requirement on the river applied to all vessels navigating on the river, including those of Nicaragua and Costa Rica.

FOURTH: From nineteen ninety until the middle of nineteen ninety-eight, relations between the Army of Nicaragua and the *Guardia Civil* of Costa Rica along the San Juan River were excellent, following the good neighbor policy held by both countries. The Nicaraguan Army and the *Guardia Civil* collaborated on strengthening matters affecting both sides of the river, like combating illegal trafficking in arms, drugs or persons. During this period, the *Guardia Civil* asked permission from the Nicaraguan Army to send its boats along the San Juan River to bring supplies and personnel to the different posts that Costa Rica maintained on her territory to the south of the right bank of the river. The Army granted this permission, subject to the conditions that the *Guardia Civil* were required to meet, like obtaining prior authorization for each voyage of this nature, that the vessel stop at the Nicaraguan Army posts at its point of entry into the country and register the voyage and the names of the passengers and crew, that it submit to inspection, that the *Guardia Civil* officers carry no weapons while navigating on the San Juan River (or that they store their arms on the floor of the vessel), and that a Nicaraguan soldier accompany them on the vessel. The *Guardia Civil* accepted these conditions, without objection, and carried out its mission without problems from the early nineteen nineties until the middle of nineteen ninety-eight.

FIFTH: In September nineteen ninety-five, in the Costa Rican *Guardia Civil* base at El Murciélago, Guanacaste, Costa Rica, the collaboration between the Army of Nicaragua and the *Guardia Civil* in strengthening law enforcement activities in their respective jurisdictions was memorialized in a Joint Communiqué signed by Nicaragua's then Chief of the Nicaraguan Army, Army

General Joaquín Cuadra Lacayo, and Costa Rica's Minister of Public Security, Juan Diego Castro Fernández. Both instructed by the Heads of Nicaragua (Violeta Barrios Chamorro) and of Costa Rica (José María Figueres Olsen). The Joint Communique provided for, among other things, "joint, parallel patrolling at the border of both countries, thereby joining forces in the battle against illegal trafficking of persons, vehicles, contraband of any nature and joint operations, following the exchange of information and planning carried out by both parties." The Joint Communique formalized the practice that was already conducted informally, whereby from time to time between Nicaragua and Costa Rica (between the Nicaraguan Army and Costa Rica's *Guardia Civil*), Nicaragua planning and authorizing the development of joint security activities on the San Juan River. The *Guardia Civil* was never authorized by Nicaragua to engage in law enforcement activities on the river other than in joint operations with the Nicaraguan Army. It never did so.

SIXTH: There were no problems with the *Guardia Civil*, or with Costa Rican private vessel operators, until the middle of nineteen ninety-eight. Until then, the Nicaraguan Army regulated commercial and personal traffic on the San Juan River through its registration and departure clearance certificate, and the occasional authorization for the *Guardia Civil* to use the river to supply its border posts, and to engage in joint parallel operations with the Nicaraguan Army, without any incident.

SEVENTH: This collaborative situation came to an end in July nineteen ninety-eight.

EIGHTH: The impetus for the problem arose in May nineteen ninety-eight, when the newly-elected government of President Miguel Angel Rodríguez took office in Costa Rica. President Rodríguez and his Minister of Public Security, Juan Rafael Lizano, attempted to implement a new Costa Rican policy on the San Juan River, which changed the harmonious collaboration that existed with the two preceding Costa Rican governments (of Presidents Rafael Calderón and José Figueres, respectively). Under President Miguel Ángel Rodríguez's new policy, the *Guardia Civil* would no longer seek authorization from Nicaragua to navigate on the San Juan River, and would no longer comply with the measures announced in the Cuadro-Castro Communique, referred to above. Further, President Rodríguez and his Public Security Minister authorized the *Guardia Civil* of Costa Rica to send its vessels with armed *Guardia Civil* personnel onto the San Juan to intercept, register, and detain Nicaraguans suspected of illegally entering into Costa Rica. During June and July nineteen ninety-eight, the *Guardia Civil* carried out this policy and sent its vessels and officers, fully armed, on the river.

NINTH: The Nicaraguan Army, by way of its officials located in the area, vigorously protested these activities as a violation of its sovereignty, and insisted

that the *Guardia Civil* should desist from them. The *Guardia Civil* refused, acting presumably on orders from the Minister of Public Security, and asserted that it would continue to intercept and detain Nicaraguans navigating on the river who were suspected of preparing to enter Costa Rica illegally. Faced with this attitude by the *Guardia Civil*, Nicaragua took the decision to prohibit all navigation on the San Juan River by *Guardia Civil* vessels. This decision was made in a meeting at the highest level of the Government of Nicaragua, by the President of the Republic, in which the affiant participated. The Presidential decision was communicated by the Regional Military Commander, Colonel Francisco Talavera, to the regional commander of the *Guardia Civil* on fourteen July nineteen ninety-eight.

TENTH: In July nineteen ninety-eight, the President of the Republic, Arnaldo Alemán, along with the Costa Rican President, agreed to a meeting, the former sending a delegation to San José to meet with the Costa Rican Minister of Public Security, Juan Rafael Lizano, and high ranking members of the Costa Rican *Guardia Civil*. The meeting took place in the aerial section of the Costa Rican *Guardia Civil* in the Juan Santamaría, Costa Rica. As Army Chief of Staff, I led the Nicaraguan delegation. Our instructions were to reach an agreement with the Costa Ricans and return to the situation of harmonious cooperation in conformity with the Joint Communiqué subscribed between the General of the Nicaraguan Army, Joaquín Cuadra, and the Minister of Security, Juan Diego Castro Fernández, which existed before President Rodríguez assumed power. On the other hand, the Nicaraguan delegation, knowing Costa Rica's pretensions desiring to supply her border posts located on her territory to the south of the right bank of the San Juan River, found itself having a better disposition to cooperate so long as (i) Costa Rica would request authorization, and Nicaragua would give it subject to the conditions that prevailed previously, for voyages to supply border posts; (ii) the *Guardia Civil* would not navigate on the river armed, without prior authorization from the Nicaraguan Army, and would not interfere with Nicaraguans navigating on the river. The Nicaraguan delegation transmitted this message to the Costa Ricans and their disposition to return to the situation where both countries worked successfully for over five years prior to the Costa Rican Minister of Public Security's position. The Costa Rican delegation, led by the Minister of Public Security, refused this offer. They insisted on a right to navigation on the river and to intercept suspected illegal immigrants. None of these rights were claimed by Costa Rica prior to May nineteen ninety-eight. Nicaragua's response was that Costa Rica has no such rights, that Nicaragua alone has sovereignty over the San Juan River, and that Costa Rica's pretended rights would offend Nicaragua's sovereignty. The meeting ended without agreement.

ELEVENTH: In July two thousand, five months after I became Commander of the Nicaraguan Army, I received a delegation of Costa Rican

officials, led by the (then) Minister of Public Security, Rogelio Ramos Martínez, who wished to discuss the manner by which to resume navigation on the San Juan River by vessels of the *Guardia Civil*. The meeting was held on twenty-one July two thousand, in the port city of San Juan del Sur, on Nicaragua's Pacific Coast. The Costa Rican delegation also included Colonel Walter Navarro Romero, Director General of the Public Force, and Colonel Carlos Alvarado Valverde, International Legal Advisor to the Ministries of Public Security and Foreign Relations. Accompanying me on behalf of Nicaragua were: Colonel Ricardo Wheelock Román, Head of the Center for Military History; Major Walner Molina Pérez, Deputy Legal Advisor to the Nicaraguan Army; and Dr. Cecile Saborío Coze, Secretary General of the Ministry of Foreign Relations. An aide-memoire of the meeting was prepared by Major Molina, who continues in active military service, with the rank of Lieutenant Colonel and the same position. I approved the aide-memoire, a copy of which is attached hereto.

TWELFTH: The aide-memoire contains a complete account of what was said at the meeting, I will only summarize here that: (1) the meeting was held at the request of the Costa Ricans for the purpose of seeking an agreement that would permit the *Guardia Civil* to resume its pre-July nineteen ninety-eight practice of navigating on the San Juan River, subject to prior authorization by Nicaragua, for the purposes of bringing supplies and relief personnel to its bases on the right bank of the river; (2) during the course of the meeting, Colonel Alvarado of Costa Rica began by stating accurately that, before nineteen ninety-eight, the *Guardia Civil* supplied its border posts via the San Juan River, subject to prior permission from the Army of Nicaragua, with their weapons placed on the floor of the vessel, and that the vessel stopped at each Nicaraguan Army post that it passed en route for review of the personnel and contents on the vessel; (3) that the Costa Rican delegation specifically requested that Nicaragua agree to return to that situation.

THIRTEENTH: As of the time of my retirement from military service, in February two thousand five, no agreement was reached with Costa Rica, concerning navigation on the San Juan River by vessels of the Costa Rican *Guardia Civil* with the objective of supplying the posts located on her territory, however, contact between the Nicaraguan Army and the Costa Rican *Guardia Civil* continued on issues of mutual interest, such as combating drug trafficking, international cooperation, and that related to security and defence. As expressed by the person appearing before me, and well instructed by Me, the Notary, about the purpose, value and legal transcendence of this act, of the General Clauses that assure its validity, of the Specifications involved, and of the stipulations, both explicit and implicit.- This writing was read to the person appearing before me, who finds it accurate, approves and ratifies it.- Signs it with me.- I GIVE FAITH to all the above stated. (f) Illegible (f) MOLINA. Notary.-

This occurred before me from the front of folio number fifty to the back of folio number fifty-three, from my present Protocol number twenty-one, that I have in the present year. The testimony by which the Declaration was made, covered three usable pages of sealed legal paper, which was signed, sealed, and dated, in the city of Managua, at ten thirty in the morning on the twenty fourth of June, two thousand eight.

Annex 1

AIDE-MEMOIRE

Meeting between the Commander-in-Chief of the Nicaraguan Army
and the Minister of Public Security of Costa Rica

DATE: July 21, 2000-07-22

TIME: 09:45 to 12:40

PLACE: "Naval Force House," San Juan del Sur, Rivas Province

PARTICIPATE: **Nicaraguan Delegation.**

Army General Javier Carrión McDonough

Commander-in-Chief of the Nicaraguan Army

Colonel Ricardo Wheelock Román.

Director of the Military History Center

Major Walner Molina Pérez

Deputy Director of Legal Counsel

Dr. Cecile Saborío Coze

Secretary General of Foreign Policy, Ministry of Foreign
Affairs.

Costa Rican Delegation.

Rogelio Ramos Martínez

Minister of Public Security.

Colonel Walter Navarro Romero

Director General of Public Forces.

Colonel Carlos Alvarado Valverde

Director of International Legal Counsel

Ministry of Public Security and Ministry of Foreign Affairs

1. The meeting began with a greeting from Army General Javier Carrión to the Costa Rican delegation, followed by a summary of the relations that we have had on the San Juan River with the different Costa Rican authorities with whom we have worked over the past ten years, where, on the part of the Nicaraguan Army, there has always been a relationship of common

understanding, at the same time granting, expeditiously and with a fraternal spirit, verbal permission and authorization for navigation on the river to supply and relieve the personnel assigned to your country's border posts at Sarapiquí and El Delta. The abuse of such permission led us to prohibit navigation over the San Juan River, when you began to patrol the river to intercept illegal immigration and demand rights claimed by Minister Lizano, but which our Highest Authority has stated that you do not have. The result of Minister Lizano's attitude was that the National Assembly became involved in the matter, declaring the Lizano-Cuadra press release null and converting this affair into a high priority issue in the national press.

President Arnoldo Alemán designated me to prepare a mechanism that will allow you to navigate over the San Juan River in accordance with the Constitution of Nicaragua, a mechanism that will subsequently be reviewed and approved by the President of the Republic and established by law in the National Assembly. I can not sign anything that authorizes navigation over the San Juan River beyond the context imposed by the Constitution of Nicaragua of regulating foreign military presence within our territory.

2. The Minister of Public Security of Costa Rica expressed gratitude for the welcome, affirming that there is indeed a relationship of great fraternity and understanding between the different posts of the Costa Rican Border Police and the members of the Nicaraguan Army. We understand your situation in prohibiting navigation on the San Juan River, it is an issue that goes beyond your control due to the level reached by the events. I hope that you also understand our situation and our urgent need to supply and relieve border post personnel. We change personnel at the posts every fifteen days, generally, we have two or at most three police officers per post, the supply and relief of the police officers by land becomes very difficult during the rainy season, thus the need to do so via the San Juan River. We fully recognize Nicaragua's sovereignty over the river; that we do not question.

The letters exchanged by the presidents manifested the political will that an agreement be reached to resolve this problem. In this sense, I am not clear about the legislative procedure to which you referred, or about how to return to the status quo from before 1998.

- At this time, Colonel Alvarado intervened to state that prior to 1998, [Costa Rica] supplied its posts from Bocas de San Carlos to El Delta, that the police navigated with their M-16 weapons stored on the bottom of the vessels (this is not armed navigation but rather navigation with arms) with prior permission from the Nicaraguan

Army, which also verified the personnel and contents of the vessels at each post that the boat passed. We are not challenging Nicaragua's sovereignty, but Costa Rica has certain rights. When we carried out the supply and relief of personnel, we provided notice at each of your posts.

The verbal permission that we granted was framed within a good neighbor policy, Army General Carrión stated, we did not sign any agreement to establish this practice, nor was it framed within any existing Treaty. The only thing we signed was the Joint Communiqué of 1995, in which we agreed to joint patrols parallel to the border and we committed to fighting against the illegal trafficking of persons, vehicles and contraband of all types and to the exchange of operational information. We have always maintained routine control over the San Juan River in terms of migration, navigation, crews, vessels, vessel documentation, tourists, etc.

The navigation of your Border Police via the San Juan River became a topic of high national sensitivity. Therefore, today we must think more about a new mechanism than about the status quo prior to 1998, when you clearly knew that, in order to navigate the San Juan River, you had to ask permission, which was always verbal and was granted only in the sector Boca del Sarapiquí to El Delta. To believe that now you are going to navigate from Boca de San Carlos, where you have never done it, is to misunderstand the new reality in which we are found. Nicaragua's Constitution stipulates that any foreign military presence with humanitarian purposes must be authorized by the National Assembly by means of a law (which follows the normal procedures for all laws), and the Nicaraguan Army is responsible for the operational execution of this military presence by means of a document signed by the military parties, as we do for the New Horizons maneuvers with the United States of America, or with France, or with other countries. Therefore, the navigation of your Border Police must fall under the normality of what Nicaragua has been doing in recent years. The Letter of the Presidents is a good road to start. It is a political plan, but we must be careful. I am absolutely subject to what is stipulated by the Political Constitution of Nicaragua. Otherwise, the National Assembly can relieve me of my duty.

3. Minister Ramos asks if it is they who must request permission from the National Assembly of Nicaragua. If this is the case, it would be very difficult to do, because Costa Rican public opinion would condemn it for relinquishing sovereignty that by right is theirs. A law and the implementation of a mechanism were not the intention of the Presidents. The issue of asking permission would seem like the abandonment of a right that the people of

Costa Rica perceive as theirs. It would not be well received in the national forum.

- Álvarez intervenes to state that they have always navigated over the San Juan River, have supplied their posts, and that, by the Jerez-Canas Treaty and Cleveland Award, have a right to the Defense of the River, which they carry out from their border posts.
4. What we intend, responds Army General Javier Carrión, is to end the problem and establish a new relationship that definitively resolves the problem of the navigation of your Border Police on the San Juan River. The word **agreement** is not included in the Presidents' communiqué; it only mentions the status quo prior to 1998, which means that [Costa Rican Border Police] always navigated with our permission. We decided whether there was passage or not, and we exercised all of the controls I referred to earlier, as you well know. Written permission to navigate never existed. This problem must be removed from the Treaties, and a law must be made that will allow for the permanent supply and relief of your border post forces. The only viable way to do this today is that the National Assembly enact a law that enables us to prepare a mechanism, which may contain:
- Sector of the San Juan River over which the mechanism shall be applied.
 - Presentation of the forms for navigation over the river.
 - Trimesterly planning of the dates of supply and relief actions
 - Procedures for application of the mechanism
 - Trimesterly and semi-annual review of the supply and relief mechanism

[General Carrión] explains the procedure for the preparation of the law and how the Army has done so in the cases of the United States of America, France and all countries that came after Mitch. It remains clear that the permission is requested to the Nicaraguan Army. He offers to send one of the laws issued by the National Assembly for their perusal. It may seem to you that the proposed procedure is very long, but it is more certain to provide a solution to the problem, which is the intention of both Presidents. In addition, its approval will not take too long.

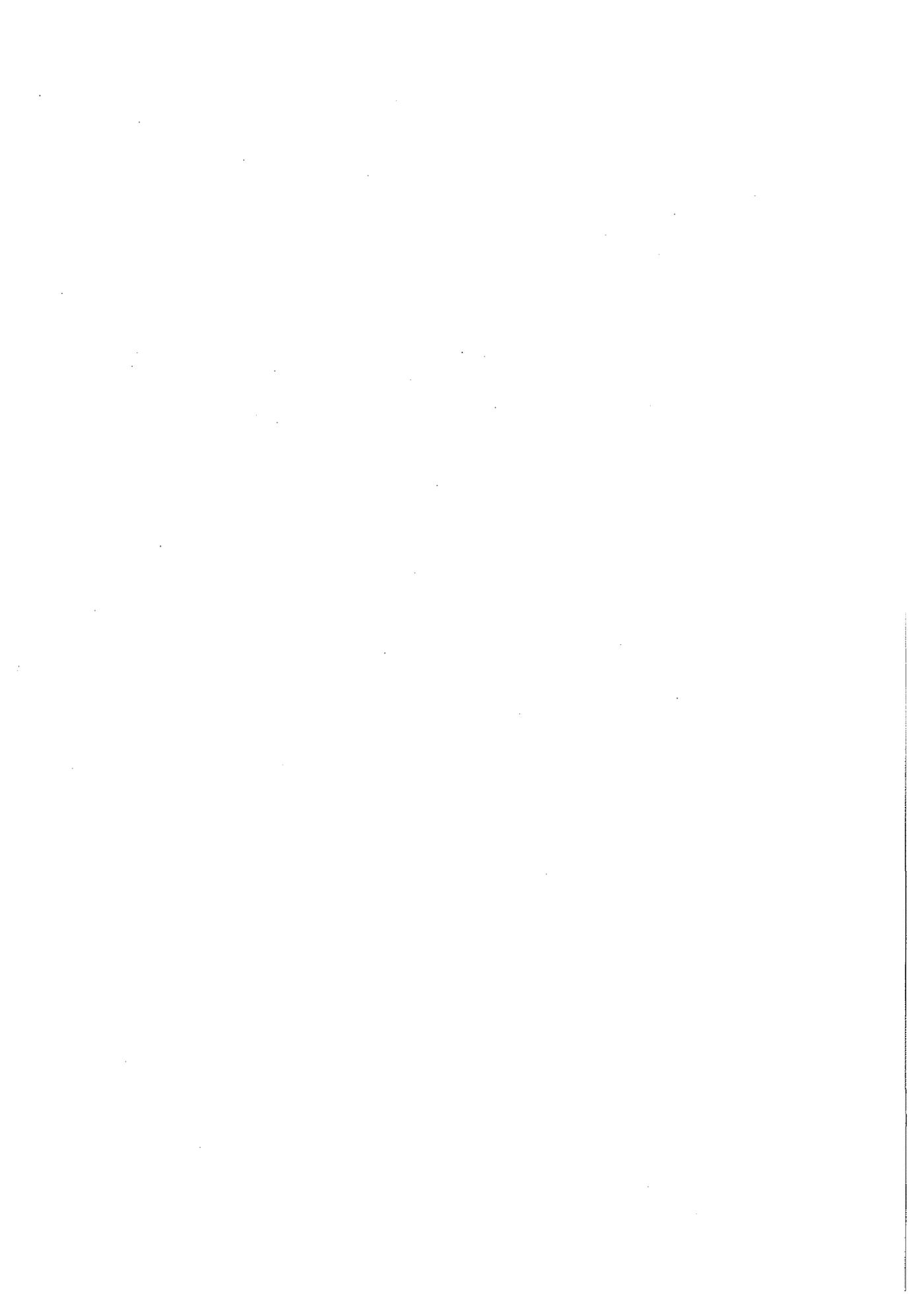
5. The Minister of Security states that finding an agreement under this framework is new to him, that he will report it to President Rodríguez and that, for their part, there is a positive willingness to advance toward the solution of the stated problem, since he was tasked by President Rodríguez to collaborate with the authorities of the Nicaraguan Army.

6. It is agreed that at the next meeting the Nicaraguan Army will present the mechanism for implementation of the Law to be approved by the National Assembly for the supply and relief of the border posts at Boca de Sarapiquí and El Delta. The meeting place will be made known at a later date by the Costa Rican authorities, and will be held in Liberia on August 18 of this year.
- Another issue covered was the experience of the Ministry of Public Security in the implementation of the anti-drug Treaty with the United States of America. To date, more than 300 boardings have been carried out. Minister Rogelio Ramos was invited to participate in a patrol with officers and sailors of the Nicaraguan Navy.
 - The Minister of Public Security of Costa Rica explained how the Border Police are organized. The northern border area has one headquarters located in Liberia and is divided into different sections/zones covered from the central Headquarters. Similarly, the southern border area also has only one Headquarters.
 - It remained clear that for them the problem of **permission** was a very important and sensitive element. At the end of the meeting, they expressed that this issue would remain pending.

ANNEX 69

Affidavit of Lieutenant Colonel Juan Bosco Centeno Arostegui

9 March 2008



TESTIMONY OF PUBLIC DOCUMENT NUMBER THIRTEEN - NOTARIAL CERTIFICATE. In the Archipelago of Solentiname, District of the San Carlos Municipality, San Juan River Province, at ten in the morning on the ninth of March, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2008. Mister **JUAN BOSCO CENTENO AROSTEGUI**, stands before me and in his own name, with identity card number 001-170253-0009P, of age, married, retired from military service, and domiciled at the Solentiname Archipelago, Guabo farm, San Juan River Province. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

First: I am a citizen of the Republic of Nicaragua, born in the city of Managua on the sixteenth of February, 1953. I am presently retired, and living in the Solentiname Archipelago, San Juan River Province. I served as an active military agent during the period between 1979 and 1991 as an officer of the Army of the Republic of Nicaragua.

Second: From July to December 1979, and from the beginning of 1982 to June 1991, I served as Commander of the currently named Southern Military Detachment, which includes the entire San Juan River. While the name of the military base evolved during my tenure, my position as Commander remained the same. In 1979, the base was named "Special Zone IV," then it was named "Border Detachment Iván Montenegro Báez" upon my return in 1982, and later the "55th Brigade of Military Region V." The current name of the Southern Military Detachment was established after my retirement from the military.

Third: During these periods in 1979, and from 1982 to 1991, the Nicaraguan army was responsible, as it continues to be today, for securing Nicaragua's borders, and the detachment that I commanded was responsible for securing the San Juan River, part of which borders Costa Rica; and the troops under my command regularly patrolled the San Juan River and monitored all traffic on the river. During the periods that I was the Commander of the Military Detachment for this zone, there was very little civilian traffic on the San Juan River. The river had been a war zone in the 1970's, during the armed confrontation that led to the overthrow of the dictatorship of General Anastasio Somoza Debayle in July 1979. As a result, during the second half of the 1970's especially, the river was unsafe for normal civilian traffic, and navigation on the river, whether for commercial or other purposes, was extremely uncommon.

Fourth: For some time, after the triumph of the revolutionary forces and my arrival as Commander in July 1979, the region remained insecure. During that period, there was some commercial navigation on the river, but not very much. There was no international trade, only local trade between settlements on the river like San Juan del Norte in Nicaragua and Barra del Colorado or Puerto Viejo de Sarapiquí in Costa Rica. There were no customs posts on the Costa Rican side of the river. The local river trade consisted principally of the transport of coconuts and lobster from San Juan del Norte to Barra del Colorado. There was also some transport of merchandise between Puerto Viejo de Sarapiquí and Barra del Colorado and San Juan del Norte, mainly for supplying *pulperías* ["Mom and Pop stores"] in Barra and San Juan. The local traders who transported these goods, both Nicaraguans and Costa Ricans, operated their small boats freely along the river. There were no tourist excursions at that time. There were infrequent visits to the San Juan by Costa Rican officials aboard their own vessels. They reported their presence to the Nicaraguan army posts, and were given verbal authorization before they navigated in what they recognized were Nicaraguan waters. By 1982, when I returned to the region as Commander of the Southern Military Detachment, it had become a war zone again. Counter-revolutionary forces ("*contras*") had organized in Northern Costa Rica, along the right bank of the San Juan River, and they made frequent attacks and forays across it. The river was unsafe for navigation for the rest of the 1980's, until the fighting ended in 1990 and the counterrevolutionary forces were fully demobilized in 1991. The *contras* fired at all our vessels that navigated the river and tried to sink them, and we did the same to all the vessels that we believed were theirs or were bringing them supplies. For security reasons, army patrols on the river stopped, inspected and searched all boats that they encountered, whether the boatman and any passengers were Nicaraguan, Costa Rican or of another nationality. If the patrols were satisfied that the activity was legitimate and unconnected to the *contras*, they did not interfere. We encountered a few tourism excursions in 1982, but not thereafter. Nor was trade conducted via the river after 1982. If there were any local trade, it would have been very minimal, given the great danger to which the boatmen were exposed if they were mistaken for an enemy by the contending military forces. There was definitely no trade with San Juan del Norte, which was isolated and incapable of obtaining supplies. As a result, the entire population abandoned the town, mainly moving north along Nicaragua's Atlantic Coast, in some cases as far as the border with Honduras. During the periods that I was Commander of the Military Detachment responsible for the San Juan River, Costa Rica maintained two police posts on her side of the river, at Boca San Carlos (where the San Carlos River joins the San Juan) and farther away at Boca Sarapiquí (where the Sarapiquí River joins the San Juan). These small posts had only a couple of policemen. They were supplied, and the policemen were periodically relieved, either by river transport from within Costa Rica (via the San Carlos River or the Sarapiquí River) or by road. These police posts were not supplied or relieved by traversing the San

Juan River. Nor did the Costa Rican police patrol the San Juan or carry out any police functions on the river during either of the periods when I served as Nicaragua's military commander. According to our military intelligence, the Costa Rican security forces openly collaborated with the *contras* in northern Costa Rica, including along the banks of the San Juan, but they did not themselves venture into the river during this time.

As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to liberate the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) Illegible (f) Molina.

This occurred before me from the reverse of folio number twelve to the front of folio number fourteen, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on two pages of legally sealed paper, which was signed, sealed, and dated, in the city of Managua, at ten in the morning of the tenth of March, 2008.

ANNEX 70

Affidavit of Captain Mario García López

9 March 2008



TESTIMONY OF PUBLIC DOCUMENT NUMBER FOURTEEN - NOTARIAL CERTIFICATE. In the city of San Carlos, San Juan River Province, at eleven in the morning on the ninth of March, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2008. Mister **MARIO GARCIA LOPEZ**, stands before me and in his own name, with identity card number 408-130965-0000E, of age, married, in military service, and domiciled at the border post at Sarapiquí, Municipality of San Juan de Nicaragua, San Juan River Province, and in transit in this city. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

First: I am a citizen of Nicaragua, born in Masatepe, Masaya Province, the thirteenth of September, 1965. I am a Captain in the Army of Nicaragua, I have held this rank since September 2002. I am currently the Chief of the Second Border Sector of the San Juan River, responsible for overseeing the military posts along the San Juan River from Boca de San Carlos to the border post at San Juan de Nicaragua. My area of responsibility covers the military posts at Boca San Carlos, Sarapiquí, Delta, and San Juan de Nicaragua, all of which, except San Juan de Nicaragua, are located in front of the Costa Rican Civil Guard posts. I have held this position from January to July 2006 and from January of this year until the present date.

Second: Since I assumed this position, the Costa Rican Civil Guard has not navigated on the San Juan River. The Civil Guard has not used the river to supply their posts, as they did from time to time in the past as a result of the authorization Nicaragua gave them for that use. Since that practice ended, the Civil Guard has been supplying its posts located to the south of the right margin of the river by land and by interior rivers. All of the Costa Rican posts are accessible by road, including roads that Costa Rica has built in the past few years. The Costa Rican post at Delta is supplied by boat from Barra del Colorado using the Colorado River which is entirely in Costa Rican territory.

Third: All police powers and authority on the river are exercised by Nicaragua, and particularly by the Nicaraguan Army and various agencies the State has positioned in the border posts. Nicaraguan army vessels carry out regular patrols, as do the park rangers of the Ministry of the Environment and Natural Resources. There is very little private traffic on the San Juan River. There are a few Nicaraguans and Costa Ricans who transport goods between different settlements on the river. They operate their own small boats. There is also

navigation by the Costa Ricans who reside in Costa Rica on the bank of the river, also in their own small boats. They travel between points close to the river in Costa Rican territory for their own private purposes. There is a passenger transport service between the Nicaraguan towns of San Carlos on Lake Nicaragua and San Juan de Nicaragua on the Caribbean Sea (Atlantic Ocean). Without a doubt, the main use of the river by private vessels is for tourism. There are also Nicaraguan boats that carry passengers from San Carlos or El Castillo, located on the portion of the river where both banks belong to Nicaragua, to San Juan del Norte or intermediate points on the lower portion of the river where the right bank forms the border. The vast majority of the tourist boats that navigate the San Juan River are Costa Rican. They navigate primarily traveling between the Costa Rican towns of Puerto Viejo, on the Sarapiquí River, and Barra del Colorado, on the Colorado River, to Tortuguero, on Costa Rica's Atlantic Coast. This necessarily involves traversing the San Juan River between Boca de Sarapiquí and Delta.

Fourth: With the exception of the local Costa Rican residents, all of these boats are required to obtain Nicaraguan departure clearance certificates before they may navigate on the San Juan River. This includes boats operated by Nicaraguans. The departure clearance certificate certifies that the boat has been inspected, and that it meets all Nicaraguan safety requirements for navigation on the river. The inspection is carried out by Nicaraguan Army personnel and is conducted at the first point of entry onto the San Juan River. The boat operator is required to pay a fee of US \$5 for this service. All boats must also identify their passengers and any cargo that they are carrying. This is a security measure designed to ensure that there is no illegal trafficking of persons or goods on the river, and to ensure that no one who enters and exits the river has entered the Indio Maíz Biological Reserve, located on the northern bank of the river's course, where access is not allowed. These boats must report at each Nicaraguan military post that they pass while traversing the river.

Fifth: All tourist boats entering the San Juan River from Costa Rica must also register their passengers with Nicaraguan immigration authorities at their point of entry onto the San Juan River. As at all immigration entry points in Nicaragua, the tourist's information is registered at the post. This measure is particularly important on the river due to the need to protect against any illegal entry into the Indio Maíz Biological Reserve. Upon registry, the tourist is provided a tourist card for US \$5 and pays an immigration processing fee of US \$2, as is required at all Nicaraguan immigration entry facilities. The great majority of tourists are citizens of nations listed as Immigration Category A, which are not required to present a consular visa to enter Nicaragua. However, if a tourist happens to be from a country where Nicaragua requires a consular visa, the tourist will have to have a visa to enter Nicaraguan territory.

Sixth: Nicaragua does not require the Costa Rican residents along the river to have their boats inspected, or to pay a fee for a departure clearance certificate, or to register with Nicaraguan immigration, or to have a consular visa when they navigate on the San Juan River. If a resident passes a military post, he is required to simply notify the post of his passage. All local residents are provided a courtesy departure certificate for their regular use of the river, which is valid for one month and is permanently renewable.

Seventh: During my tenure, there have been primarily three boatmen who use the river to transport goods, two of whom are Costa Rican nationals. Both of the Costa Ricans are residents of the community of La Tigra, on the Costa Rican side of the river, between Boca de Sarapiquí and Delta. One of them sells boat fuel at La Tigra, which he obtains from Puerto Viejo up the Sarapiquí River. He travels on the San Juan River the short distance of 15 km, between La Tigra and Boca de Sarapiquí, on his route to Puerto Viejo. The other Costa Rican, Carlos Rugama, owns a small grocery store in La Tigra, and he too navigates the San Juan and the Sarapiquí Rivers to obtain his supplies at Puerto Viejo. The Nicaraguan boatman, Rigoberto Acevedo, delivers commodities and other household supplies from Puerto Viejo to San Juan de Nicaragua. Both Costa Rican boatmen have been provided courtesy departure clearance certificates, since they are residents of the river. They are not required to pass through Nicaraguan customs or to have a Nicaraguan visa.

As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to liberate the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) Lopez (f) Molina.

This occurred before me from the front of folio number fourteen to the reverse of folio number fifteen, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on two pages of legally sealed paper, which was signed, sealed, and dated, in the city of Managua, at eleven in the morning of the tenth of March, 2008.

ANNEX 71

Affidavit of Martin Antonio Jarquín López

4J June 2008

AFFIDAVIT DOCUMENT NUMBER TWENTY-EIGHT, NOTARY DECLARATION. In the city of Managua, Department of Managua. At eleven in the morning, on the fourth (4) of June of two thousand eight (2008). Before Me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney and Notary Public of the Republic of Nicaragua, of this domicile and residence, duly authorized by the Honorable Supreme Court of Justice to exercise the profession of Notary during a five-year period that expires on the fifteenth (15) of April of two thousand thirteen (2013), there appears Mr. **MARTIN ANTONIO JARQUIN LOPEZ**, of legal age, married, an official of the Directorate General of Immigration and Alien Services of the Ministry of Government of the Republic of Nicaragua, of this domicile, who identifies himself with Identity Card number four, eight, one, hyphen, two, zero, one, one, six, zero, hyphen, zero, zero, zero, zero, letter E (481-201160-0000E). I ATTEST that the appearing party is personally known by me and has the necessary legal capacity to bind himself and enter into agreements, especially for executing this instrument, in which he **DECLARES** as follows:

FIRST: That he is a Nicaraguan citizen and presently holds the position of Border Director at the Directorate General of Immigration and Alien Services of the Ministry of Government of the Republic of Nicaragua with the rank of Captain and has been an officer in that Directorate for twenty-five (25) years.

SECOND: That to regulate all migratory activities in the national territory, a broad legal framework exists in Nicaragua, including specialized legal regulations, such as Nationality Law, Law No. 149 (one hundred forty-nine); Immigration Law, Law No. 153 (one hundred fifty-three), Alien Status Law, Law No. 154 (one hundred fifty-four), Illegal Immigration Trafficking Control Law, Law No. 240 (two hundred and forty) and Immigration Incentive Law, Law No. 250 (two hundred and fifty), among others. All these, as well as other internal provisions, grant great importance to the migratory control that should be provided by the immigration posts to foreigners entering the Nicaraguan territory through any international border post operating in the country. In this regard, the Immigration Law, published in the official daily La Gaceta No. 80 (eighty) on the thirtieth (30) of April of nineteen ninety-three (1993), grants to the immigration posts the power to authorize the entry, exclusion, deportation or expulsion from the national territory of any foreign citizen who attempts to enter the country. The registration made by the person in charge of the immigration dispatch, as well as the certificate issued is vitally important for any immigration changes to be made at the Central Offices of the Directorate General of Immigration and Alien Services in Managua. Further, he states that these immigration records were provided by the Directorate of Immigration and Alien Services located at the Sarapiquí post, which keeps them under its custody and form part of an ordinary process that is practiced in all border posts of the country, whereby the Directorate of Immigration and Alien Services keeps a record of all persons entering Nicaragua. In that sense, each record details the foreigner's first

name and surname, nationality, passport number, date of birth and occupation, as well as the date of entry and date of departure from the immigration border post and the address in Nicaragua to which they are traveling. This is a procedure carried out by all immigration offices for international entry and departure to and from Nicaragua.

THIRD: From the date that immigration posts were established in the localities of Sarapiquí, Boca de San Carlos, Delta and San Juan de Nicaragua, all located on the San Juan River, department of Río San Juan, books and immigration control cards were provided, which books, as a rule, must be kept by the immigration control posts that lack computerized systems and must be subsequently transferred to the central office of Immigration in the city of Managua, where the data is entered in a central computer system for the registration and control of foreigners and nationals entering or leaving the national territory. The post located in Sarapiquí is the border post through which tourists entering the San Juan River traveling with Costa Rican companies pass; almost all tourist excursions from Costa Rica entering or leaving the river pass by the Sarapiquí post in route to the Sarapiquí river that connects the interior of Costa Rica with the border.

FOURTH: These registration books are provisionally safeguarded in each immigration control post and are subsequently transferred to the central Immigration registry in the city of Managua to be archived.

FIFTH: Said books record all immigration movements and the detailed information of each tourist, making it possible to identify the number of tourists who passed through the Sarapiquí immigration post. That he inserts in this statement, as an example, pages number zero six eight (068) and zero six nine (069) of the entry book kept at the Sarapiquí post for the dates corresponding to September twenty-second (22) through twenty-fourth (24) of the year two thousand (2000). In order to determine the number and nationality of the tourists who were registered at the Sarapiquí post, these registrations were counted, providing the following data: In nineteen ninety-seven (1997), two hundred thirty (230) Americans, one hundred seventy-six (176) Germans, five (5) French, thirty-nine (39) Costa Ricans, fourteen (14) Spaniards, twenty-one (21) Canadians, six (6) Italians, nineteen (19) English and ninety-three (93) other nationalities were registered for a total of six hundred three citizens (603); in nineteen ninety-eight (1998), the entry of two hundred thirty (230) Americans, one hundred eleven (111) Germans, twelve (12) French, one hundred twelve (112) Costa Ricans, ninety-nine (99) Spaniards, twenty-four (24) Canadians, five (5) Italians, fifty-eight (58) English and sixty (60) other nationalities was registered for a total of seven hundred eleven (711) citizens; in nineteen ninety-nine (1999), the entry of one hundred twenty-one (121) Americans, forty-nine (49) Germans, seven (7) French, one hundred sixty-two (162) Costa Ricans, two (2) Spaniards, fourteen (14) Canadians, three (3) Italians, twenty-four (24) English and

eighty (80) other nationalities was registered for a total of four hundred sixty-two (462); in the year two thousand (2000), the entry of five hundred seventy-six (576) Americans, one hundred ten (110) Germans, forty-one (41) French, two hundred seventy (270) Costa Ricans, two hundred seventy-five (275) Spaniards, one hundred forty-eight (148) Canadians, thirty-three (33) Italians, ninety-nine (99) English and two hundred ninety-one (291) other nationalities was registered for a total of one thousand eight hundred forty-three (1,843) citizens; in the year two thousand two (2002), the entry of eight hundred sixty-eight (868) Americans, one hundred eighty-two (182) Germans, one hundred five (105) French, four hundred fourteen (414) Costa Ricans, one hundred thirty-three (133) Spaniards, one hundred one (101) Canadians, forty-nine (49) Italians, one hundred eighty-four (184) English and three hundred sixty-nine (369) other nationalities was registered for a total of two thousand four hundred five (2,405) citizens; in the year two thousand three (2003), the entry of one thousand one hundred seventy-seven (1,177) Americans, one hundred thirty-nine (139) Germans, two hundred fourteen (214) French, three hundred thirty-six (336) Costa Ricans, one hundred sixty-eight (168) Spaniards, one hundred thirty-three (133) Canadians, one hundred forty-four (144) Italians, three hundred fifty-seven (357) English and six hundred twelve (612) other nationalities was registered for a total of three thousand two hundred eighty (3,280) citizens; and in the year two thousand four (2004), the entry of nine hundred seventy-six (976) Americans, one hundred twenty-five (125) Germans, two hundred thirty-one (231) French, one hundred forty-four (144) Costa Ricans, one hundred three (103) Spaniards, one hundred twenty-one (121) Canadians, one hundred eighteen (118) Italians, four hundred eighteen (418) English and three hundred fifty-four (354) other nationalities was registered for a total of two thousand five hundred ninety (2,590) citizens. Having stated the foregoing, the appearing party was advised by me of the scope, value and legal transcendence of this act, the general clauses that guarantee the validity of this instrument, and the special clauses that involve waivers and implicit and explicit stipulations. I read the entire document to the appearing party, who states its concurrence, approves, ratifies and signs with me. I ATTEST to all related matters. /s/ Illegible /s/ Molina.

Copied before me from the front of page number forty-eight to the front of page number fifty of my Protocol number twenty-one kept for this year. I issue this first certified copy of the Affidavit on two stamped legal sheets, which I sign, seal and rubricate in the city of Managua, at ten thirty in the morning, on the fifth of June of two thousand and eight.



ANNEX 72

**Affidavit of Brigadier General César Ovidio Largaespada
Pallavicini**

9 March 2008

TESTIMONY OF PUBLIC DOCUMENT NUMBER FIFTEEN - NOTARIAL CERTIFICATE. In the city of Managua, at four in the evening on the ninth of March, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2008. Mister **CESAR OVIDIO LARGAESPADA PALLAVICINI**, stands before me and in his own name, with identity card number 001-060756-0003A, of age, married, in military service, and domiciled in the city of Managua, Municipality of Managua. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

First: I am a citizen of Nicaragua. I was born in Managua on the sixth of July, 1956. I am a Brigadier General in the Army of Nicaragua. I have held this rank since 2006. I am currently the Auditor General of the Army of Nicaragua. I have been in this position since 2002.

Second: From the 4th of January 1996 until the 28th of October 1997, I was Chief of the South Military Detachment, with headquarters in San Carlos, at the source of the San Juan River. The South Military Detachment was responsible for security and border protection in the San Juan River Province, including the San Juan River and the national park known as the Indio Maíz Biological Reserve. To assure security, border protection, navigation safety and environmental protection the army maintained eight posts along the San Juan River. Of these, four were located in Nicaraguan territory in the area where the right bank of the San Juan River forms the border with Costa Rica. These were in Boca San Carlos, Boca de Sarapiquí, Delta and San Juan del Norte.

Third: The policing of the San Juan River, including the part of the river where the right bank belongs to Nicaragua, has been the responsibility solely of Nicaragua, since Nicaragua alone is sovereign over the river, and Nicaragua alone has exercised police power over it. This function has been carried out by the personnel stationed at the posts mentioned in the previous paragraph, who regularly patrolled their assigned sections of the river in motorized patrol boats. Costa Rican security personnel, belonging to the *Guardia Civil*, were stationed in Costa Rican territory in front of the Nicaraguan posts at Boca San Carlos, Boca de Sarapiquí and Delta, but their area of jurisdiction was only on land, and on the rivers internal to Costa Rica, namely, the San Carlos, the Sarapiquí and the Colorado Rivers. The *Guardia Civil* had no jurisdiction, nor has it exercised police responsibilities, with respect to the San Juan River.

Fourth: Relations between the Nicaraguan and Costa Rican security personnel stationed along the San Juan River were generally excellent during the time I served as Chief of the Military Detachment. Periodically, the Nicaraguan post commanders would meet with their Costa Rican counterparts, either at the Nicaraguan or the Costa Rican post, and exchange information on criminal activity.

Fifth: My headquarters also authorized the *Guardia Civil* to navigate on the river, in their own vessels, for the purpose of bringing supplies to their posts at Boca San Carlos, Boca de Sarapiquí and Delta. These trips were made on average once every month. The procedure was as follows: the *Guardia Civil* requested authorization to make a particular trip for the purpose of bringing supplies to particular posts on a particular date; authorization would be given by Nicaragua, and the *Guardia Civil* vessel would begin its journey by reporting to the Nicaraguan post across the river; a Nicaraguan sergeant would board the vessel and would accompany them on their itinerary on the San Juan River; the *Guardia Civil* personnel were not permitted to travel armed, so their rifles were placed on the floor of the vessel and the Nicaraguan sergeant made sure that they stayed there while the vessel was in Nicaraguan waters. No departure clearance certificate was required and no fees were charged by Nicaragua. During this period, Costa Rica was engaged in constructing and improving roads connecting all of her posts on the San Juan River so that supplying and relieving the personnel at these posts could be conducted by land transport instead of by the river.

Sixth: On certain occasions, other Costa Rican officials – not belonging to the *Guardia Civil* – requested permission to navigate the San Juan River, among them, officials from the Social Security Agency of Costa Rica and the Ministry of Education. This was also the case for non-governmental organizations, like the Costa Rican Red Cross, which brought medicines to the local river communities, or transported the sick. These vessels followed the same procedure as in the case of the *Guardia Civil*: permission to navigate was requested in advance; authorization was given; the vessel reported to the Nicaraguan border posts and registered the passengers and crew; and it was allowed to navigate. As a courtesy, no departure clearance certificates were required and no fees were charged.

Seventh: Non-official traffic on the river was very limited. As San Juan del Norte, today San Juan de Nicaragua, gradually became repopulated (its entire population had abandoned the town during the civil war of the 1980's), a passenger service emerged connecting San Juan del Norte with San Carlos on the edge of Lake Nicaragua. This was operated by a Nicaraguan company. There was very little trade traffic on the river. The new residents of San Juan del Norte

engaged in some minor commerce with Barra del Colorado, using the river, and there were occasional deliveries of basic supplies from Puerto Viejo de Sarapiquí to Barra del Colorado. But this kind of commercial traffic, carried on by small boats, was very infrequent. There was no truly international trade of any kind. There were no customs posts. There was a small number of boatmen, both Nicaraguan and Costa Rican, engaged in this commercial navigation. They were required to undergo a safety inspection and obtain a departure clearance certificate from the Nicaraguan military post nearest to their point of entry into Nicaraguan waters. The Costa Rican commercial boatmen, who were well known by the Nicaraguan authorities, were not required to pass through Nicaraguan immigration or to pay any fees in that regard. Nor were they required to obtain tourist cards. They navigated freely on the river.

Eighth: Apart from these shipments of articles of basic consumption, the river was also navigated by local Costa Ricans who lived in the communities in the Costa Rican territory near the river. These were very small hamlets with a total Costa Rican population of no more than a thousand people. Most were dedicated to cattle raising, which was the biggest industry and main source of employment on the Costa Rican side. They used the river to travel to work, or to a store to purchase supplies, for example. They traveled freely on the river. For safety and security purposes, they were required to report to the nearest Nicaraguan post on the river. But they were not required to undergo inspection of their vessels or obtain a departure clearance certificate, or to pass through Nicaraguan immigration or pay any fees or other charges. In emergencies, they could navigate the river at night. Otherwise, night travel on the river was prohibited because it was extremely dangerous. The river is full of fallen trees and other floating objects that cannot be seen in the dark. Also, the boats that operate along the river generally have no lights, so there is a serious risk of collisions.

Ninth: The most significant Costa Rican use of the river during the time I was Chief of the Southern Military Detachment was by Costa Rican boats conducting tourism excursions, carrying tourists from North America, Europe and Asia. The principal route began in Costa Rica at Puerto Viejo de Sarapiquí, where it takes approximately three hours by boat along the Sarapiquí River to get to its mouth at the San Juan River. From there, the tourist boats entered the San Juan River, continuing in an eastbound direction to Delta, where part of the San Juan River flows into the Colorado River. At that point, the boats left Nicaraguan waters and continued their journey inside Costa Rica down the Colorado or Barra del Colorado or Tortuguero until the coast of the Atlantic Ocean. In all cases, the tourist boats were required to stop at the Nicaraguan post at their point of entry onto the San Juan River, at Boca de Sarapiquí, in order to be inspected for safety purposes, to assure that the vessel carried a sufficient number of life vests and to confirm that boatman carried a valid Costa Rican operator's license. If these

conditions were met, a departure clearance certificate, for which the boatman paid a fee of US\$ 5, was issued allowing him to navigate the river. All tourists were required to purchase a tourist card for US\$ 5, as they are at all points of entry into Nicaragua. Tourists were required to present passports, and those from countries where a visa is required to enter Nicaragua were also required to have a visa. In practice, this applied to very few tourists, since Nicaragua does not require visas from citizens of the United States, and the European Union countries, among others. Tourists were also required to be processed by Nicaraguan immigration officials stationed at the post, and to pay a fee of US\$ 2 for this service, as well as a US\$ 2 fee for the immigration services related to departing the country. When the vessel completed the San Juan River portion of its excursion, it stopped again at the Nicaraguan military post located at that point, at Delta, to register the tourists' departure and to assure that everyone who entered Nicaragua was exiting, and that none of them had been left behind in Nicaraguan territory. This was necessary as a security measure, to assure that there were no unauthorized entries into the protected area of the Indio Maíz Biological Reserve.

Tenth: Because the Indio Maíz Biological Reserve and the San Juan River are protected areas, inhabited by rare and endangered land and aquatic species, Nicaragua does not permit hunting or fishing in these areas. This prohibition applies to Nicaraguans as well as Costa Ricans. The Nicaraguan army enforces this prohibition. Anyone caught fishing on the river will be apprehended, and his boat and fishing tools are subject to seizure. The only exception is that Nicaragua does not interfere with Costa Ricans fishing from Costa Rican territory. That is, they are permitted to fish in the San Juan while they are on the right bank of the river.

As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to liberate the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) Illegible (f) Molina.

This occurred before me from the reverse of folio number fifteen to the reverse of folio number seventeen, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on three pages of legally sealed paper, which was signed, sealed, and dated, in the city of Managua, at eleven thirty in the morning of the tenth of March, 2008.

ANNEX 73

Affidavit of Brigadier General Denis Membreño Rivas

10 March 2008



TESTIMONY OF PUBLIC DOCUMENT NUMBER SEVENTEEN - NOTARIAL CERTIFICATE. In the city of Managua, at eleven in the morning on the tenth of March, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2008. Mister **DENIS MEMBREÑO RIVAS**, stands before me and in his own name, with identity card number 281-160756-0007V, of age, married, in military service, and domiciled in the city of Managua, Municipality of Managua, Nicaragua. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

First: I am a citizen of the Republic of Nicaragua. I was born in the city of Leon, on the sixteenth of July, 1956. I have been a member of the Army of the Republic of Nicaragua since 1979. I currently hold the rank of Brigade General, having been promoted to this position on the second of September, 2007. I am currently the Chief of the Defense Information Directorate.

Second: From 10 February 1992 until 31 December 1995, I served as Chief of the South Military Detachment, which had jurisdiction over the San Juan River Province, including the entire San Juan River. Headquarters for the Detachment was in San Carlos, in the southeast corner of Lake Nicaragua, at the source of the San Juan River. The South Military Detachment came into existence under my charge, in February 1992. Previously, the Department of Río San Juan was part of the Fifth Military Region, which also included the Departments of Boaco and Chontales. When I arrived at the Detachment at the beginning of 1994, the Nicaraguan army manned four military posts along the river, at Papaturre, Río Frío, Boca de Sábalos and Boca de Sarapiquí. The first two were not located on the San Juan River. The third was on the part of the river where both banks of the river belong to Nicaragua. The military post at Boca de Sarapiquí was directly in front of the post where the Sarapiquí River enters the San Juan. It was mainly from that Nicaraguan military post that, historically, Nicaragua monitored and controlled the navigation of the San Juan River by Costa Ricans, as well as by Nicaraguans, on the part of the river where the right margin constitutes the border between Nicaragua and Costa Rica. During my tenure as Chief of the Military Detachment, four more Nicaraguan military posts were established along the river, at El Castillo (where both banks belong to Nicaragua), and at Boca San Carlos and Delta, in front of the border, and San Juan del Norte (today San Juan de Nicaragua).

Third: In 1992, my first year as Chief of the South Military Detachment, life along the San Juan River was transitioning back to normal, after the long

disruptions caused first by the Popular Revolution against the Somoza dictatorship in the 1970's and the counter-revolution of the 1980's, because the river was in the middle of a war zone and frequent military engagements. The town of San Juan del Norte, at the mouth of the San Juan River, had been abandoned by its population during the 1980's, and remained unpopulated during my entire tenure. There were no other Nicaraguan settlements on the left bank in front of Costa Rica, because the entire area is part of a national park, the Indio Maíz Grand Biological Reserve, where human settlement is prohibited in order to preserve the natural environment and the rich biological diversity that exists there. For this reason, there was no trade between Costa Rica and Nicaragua on the lower part of the river. Nor was there any external trade between Costa Rica or Nicaragua and any third countries. The only trade that was carried out on that part of the river was on the portion between the Sarapiquí River and the Colorado River, which was used infrequently by Costa Rican boatmen in small boats transporting supplies from Puerto Viejo de Sarapiquí in Costa Rica, down the Sarapiquí River to the San Juan, and then east along the San Juan River as far as the Colorado River (a distance of approximately 24 km.), where they reentered and navigated Costa Rican waters until their destination at Barra del Colorado on Costa Rica's Atlantic Coast. These were mainly engaged in the delivery of supplies to the small hotels that were springing up in the area to service Costa Rica's then-nascent tourism industry in the region.

Fourth: The right of Costa Rican vessels to transport goods along this portion of the San Juan River was fully respected. Upon entering the San Juan River, usually at Boca de Sarapiquí, vessels transporting goods were required to register at the closest Nicaraguan border post. A safety inspection was performed, and a departure clearance certificate, or *zarpe*, was issued; the fee for this service was US\$ 5. The same procedure was followed with respect to Nicaraguan vessels navigating on this portion of the San Juan River. A similar procedure was utilized by Costa Rican authorities when Nicaraguan vessels entered Costa Rican waters, such as the Río Frío, the Sarapiquí and the Colorado; the Costa Rican authorities required Nicaraguan vessels to stop for inspection and obtain a departure clearance certificate before proceeding to navigate in Costa Rican waters.

Fifth: This requirement did not apply to the local Costa Rican residents. They were not required to have their boats inspected, or to pay a fee for a departure clearance certificate. When local residents passed a military post, they were required to simply notify the post of their passage. All local residents were provided a courtesy departure certificate for their regular use of the river, which was valid for one month and could be consecutively renewed.

Sixth: During my tenure as Chief of the Military Detachment, there was a significant increase in the frequency of navigation of the lower part of the San

Juan River by vessels carrying tourists. Some of the vessels were owned and operated by Nicaraguans, but the vast majority of them were Costa Rican. The principal route was from Puerto Viejo de Sarapiquí in Costa Rica up the Sarapiquí River to the San Juan River, then east along to San Juan River to the location known as Delta, where the Colorado River begins, and then down the Colorado (in Costa Rican waters) to Barra del Colorado or Tortuguero on the Costa Rican coast. Costa Rican tourist boats also traveled back from Tortuguero or Barra del Colorado to Puerto Viejo de Sarapiquí using the same portion of the San Juan River, only westbound instead of eastbound. Near the beginning of my tenure, no more than 10 tourists per month were transported along this route, one way or the other. However, by the time I left the Detachment at the end of 1995, the number increased to between approximately 200 and 700 tourists per month, depending on the season.

Seventh: This dramatic increase in traffic along the river raised several concerns for Nicaragua. First, as a sovereign State, Nicaragua needed to assure the safety and security of all transportation in its waters, including transportation by foreign vessels carrying foreign citizens. Second, Nicaragua had a need to assure that the fragile ecology of the Indio Maíz Grand Biological Reserve and the San Juan River were protected. To accomplish these objectives, Nicaragua not only required all tourist boats (including those owned and operated by Nicaraguans) to register at the closest military post to their point of entry of the river, and to undergo a safety inspection and obtain a departure clearance certificate; it also required all passengers and crews to carry valid passports, and all passengers to purchase Nicaraguan tourist cards for US\$ 5 per passenger and to pass through Nicaraguan immigration on entering and exiting Nicaragua. These were the same requirements applied to all foreign citizens upon entering Nicaragua at any of its border posts. Initially, a US\$ 2 fee was charged upon entering Nicaragua; later an addition US\$ 2 was charged upon exiting national territory. Nicaragua required that all vessels report to the nearest military post when they left the San Juan River, as well as when they entered it. This was to assure that the full complement of passengers who entered Nicaragua were leaving, and that none had disembarked illegally in Nicaraguan territory, especially in the Biological Reserve.

Eighth: During my tenure, there were frequent attempts to enter the protected area to cut down rare trees and valuable hardwood and sneak the logs across the river to the Costa Rican side. There were also efforts by persons living on the Costa Rican bank of the river to cross over and hunt or capture protected wildlife in the national park, or to catch fish in the river. Working with Nicaraguan park rangers from the Ministry of Natural Resources and Environmental Protection, our soldiers did everything they could, despite limited resources, to prevent this activity, to arrest the perpetrators if caught in Nicaraguan territory, and to

prosecute them. Because the San Juan River is part of the protected area, and some of its aquatic species are endangered, no fishing is allowed. Neither Nicaraguans nor Costa Ricans nor anyone else may fish in the river. If they are caught fishing illegally, their fish, fishing implements and boats are subject to seizure. The only exceptions are two specifically designated sport fishing zones, one at San Juan del Norte and one on the upper portion of the river where both banks belong to Nicaragua, where licensed sport fishing under strict limitations is permitted during certain periods of the year. The only other exception is for residents who live along the Costa Rican side of the river. They are permitted to fish from the shore. But they may not enter the river by boat and fish there.

Ninth: Local residents on the Costa Rican side of the river are free to navigate in their private vessels between points on the Costa Rican side. They are only required to report their movements on the river, for purposes of security and environmental protection. They are issued departure clearance certificates as a courtesy, for which they are not charged a fee. For the same reasons of security and environmental protection, navigation is not permitted after dark. This prohibition applies to everyone, Nicaraguans included. The river is treacherous to navigate at night, since there are no lights, and fallen logs and sand bars, invisible in the dark, are prevalent, as are crocodiles. By longstanding custom nighttime navigation of the river has not been practiced, except in emergency situations. Nicaragua authorizes such emergency use of the river at night. Otherwise, it is prohibited mainly for safety reasons. But the prohibition is also necessary for environmental protection, because it is during the night, when detection is most difficult, that the protected flora and fauna of the Indio Maíz Biological Reserve and the San Juan River are most vulnerable to poaching.

Tenth: From my first day at the South Military Detachment in February 1992 until my departure at the end of December 1995, our relations with the Costa Rican security personnel were very good. From time to time, my Detachment coordinated operations against crime with the *Guardia Civil*, where in a parallel manner we would travel the relevant sector of the border, them from their territory and us navigating the San Juan River. These efforts were primarily focused on the prevention of illegal activities or rescuing shipwreck victims. The Costa Rican security personnel never navigated on the river without first requesting authorization from my Detachment. During this period, I was requested by a *Guardia Civil* Commander at the border post at Los Chiles, Costa Rica, to authorize the *Guardia Civil* to navigate in their own vessels along the San Juan between their post at Boca de Sarapiquí and their posts at Delta (where the Colorado River begins) and Barra del Colorado to bring supplies and replacement personnel to those posts. The Costa Rican Commander explained that it would facilitate these supply and replacement operations if the *Guardia Civil* could do it by river, because the roads were not very good. I gave my permission for this

practice. Prior to each of these operations, which occurred approximately once every month during my tenure at the Detachment, a *Guardia Civil* officer requested authorization to make the journey. I gave the authorization, and communicated it by radio to the Nicaraguan military post at Boca de Sarapiquí. The *Guardia Civil* vessel then reported to that post as it began its journey, and reported to the Nicaraguan post at Delta when it left Nicaraguan waters. At all times while navigating on the San Juan, the Costa Rican officers were prohibited from bearing arms; they were required to carry their arms on the floor of the boat. At some point, I began to require that a Nicaraguan soldier board the vessel at Boca de Sarapiquí and accompany it during its journey through the Nicaraguan river; he disembarked at Delta, when the vessel entered the Colorado River. Similarly, whenever a Nicaraguan Army vessel entered Costa Rican waters, either to attend meetings with *Guardia Civil* officers or as part of a joint operation, we were required by the Costa Ricans to request permission before entering their territory, and to place our arms on the floor of the vessel. We considered this a normal practice in deference to the State that exercises sovereignty over the waters.

As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to present the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) Illegible (f) Molina.

This occurred before me from the front of folio number twenty to the front of folio number twenty-three, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on three pages of legally sealed paper, which was signed, sealed, and dated, in the city of Managua, at three in the afternoon on the tenth of March, 2008.

ANNEX 74

Affidavit of Lieutenant Colonel Walner Abraham Molina Perez

26 May 2008

AFFIDAVIT PUBLIC DOCUMENT NUMBER TWENTY-FIVE (25). NOTARY DECLARATION. In the city of San Carlos, Province of Río San Juan, at ten in the morning, on the twenty-sixth (26) of May of two thousand eight (2008). Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua and in transit through this city, duly authorized by the Honorable Supreme Court of Justice to exercise the profession of Notary during a five-year period that expires on the fifteenth (15) of April of two thousand thirteen (2013), by me and before me, **DECLARE** as follows:

FIRST: I am a citizen of the Republic of Nicaragua, holder of Identity Card number one, two, one, hyphen, two, three, zero, nine, five, three, hyphen, zero, zero, zero, zero, letter A (121-230953-0000A). I was born in the city of Juigalpa, Province of Chontales, on the twenty-third (23) of September of nineteen and fifty-three (1953). I am a Lieutenant Colonel of the Army of Nicaragua. I presently hold the position of Second Chief of the Legal Advisory Department of the Army of Nicaragua. I have held this position since the year nineteen ninety-two (1992). In my capacity as Second Chief of the Legal Advisory Department of the Army of Nicaragua and as Lawyer and Notary Public, I issue this notary statement based on Article forty-three (43) of the Notary Law in force in Nicaragua. For this Statement, I examined two (2) Registries of Minutes on the Activities of the Southern Military Detachment of the Army of Nicaragua which were placed before me. The first, consisting of two hundred (200) pages, duly sealed with wax and identified by registration number CT-No. 02 (C-T-Number-zero-two), with a beginning date of the sixth (6) of February of nineteen ninety-six (1996) and closing date of the fourteenth (14) of September of nineteen ninety-seven (1997). The second consists of one hundred and three (103) pages, duly sealed with wax and identified by registration number CT- No. 12 (C-T-Number-one-two), with a beginning of twelve (12) of September nineteen ninety eight (1998) and a closing date of fourteen (14) September two thousand and two (2002). Said books were used by the Guard official on duty to annotate the activities, facts, reports and other relevant data, inter alia, the capture of criminals, invasions by squatters, seizure of wood and the operative situation of the Southern Military Detachment during that period. The aforementioned Minute Books are under the custody of the command post of said detachment and were facilitated to me for their inspection.

SECOND: From the aforesaid Minute Books, I noted the relevant parts concerning the activities carried out on the San Juan River in respect to criminal activities and the protection of the environment (against the illegal occupation of the protected zone, illegal hunting and fishing, and illegal woodcutting) to adopt prevention measures and preclude such acts and actions, and I prepared a

chronology of examples of said activities that are geographically located in the area comprised from the town of San Juan de Nicaragua up to a point three English miles from Castillo Viejo, municipality of Castillo, Province of Río San Juan. Said chronology is attached to this statement as Annex 1. I have stated the foregoing clearly understanding the legal scope, value and transcendence of this act, the general clauses that guarantee the validity of this instrument, the special clauses contained herein, and the implicit and explicit waivers made hereunder. I have read this instrument and having stated its concurrence, approve, ratify and sign. I attest to all related matters. (S) Molina.

This occurred before me from the front of page number forty-four to the back of page number forty-four of my Protocol number twenty-one kept during this year. I issue this first certified copy of the Statement on one stamped legal sheet, which I sign, seal and rubricate in the city of Managua, at eight thirty in the morning on the thirty-first of May of two thousand and eight.

Annex 1

CHRONOLOGY OF ACTIVITIES ON THE SAN JUAN RIVER

February 28, 2008

CAPTURE OF CRIMINALS

- 01 January 96: An assault was carried out at the hotel Laguna Lagarto Lodge in Santa Rita, Costa Rican territory located seven kilometers from the border post at Boca de San Carlos, where a group of German tourists were staying. One Swiss woman and one German woman were kidnapped. Between eight and ten individuals in fatigues and ski masks participated in the assault, carrying AK-47s, M-16s and hand grenades.
- 26 April 96, at 09:25 hours: at the San Juan de Nicaragua border post, NA troops captured the criminal Julio Cesar Vega Rojas (33), of Nicaraguan nationality, and seized 37,600 US dollars, 159,000 Costa Rican colones, and 24 Nicaraguan córdobas. It is possible that Vega Rojas is leader of the "Viviana Gallardo Command."
- 01 February 97, at 8:30 hours: in the coastal sector of Punta Castilla (0908), 5km east of San Juan de Nicaragua, a motor-less, 61-foot copper-colored fiberglass skiff was found abandoned on the coast, with the name LORAINE on its side and possible license number PR5416, and a Puerto Rican commercial fishing stamp AÑAZO (002). Inside, 12 kilos of cocaine were

found. It has currently been seized and is held by NA troops and will be transferred to the border post at San Juan de Nicaragua.

- 12 August 97, at 14:00 hours: NA troops in San Juan de Nicaragua captured, in San Juan de Nicaragua coordinate (1002), on the river, the vessel named Candy Priscila with three crew members, owned by Francisco Pérez Torres from Barra Colorado, Costa Rica. This man was accompanied by Alexander Sánchez Sánchez and Tomás Vidaurre Cajina from Barra Colorado. A 9.9-HP Suzuki motor was also seized.
- 08 November 97: in the early morning, six foreign individuals (four of Turkish nationality and two Colombians) were smuggling 100 rifles through a blind spot on the border, the Medio Queso sector (2455), 13km southeast of San Carlos.
- 15 July 98, at 09:00 hours: NA troops on the San Juan River at San Juan de Nicaragua captured a skiff named Puma, with three Costa Rican crew members from Puerto Viejo, Costa Rica: Antonio Campos Gaitán (26 years old), Giovany Rugama Reyes (23 years old) and Grayvin Rugama Castro (22 years old). In addition, 784 US dollars and 1,467,805 Costa Rica colones were seized.
- 06 September 98, at 17:00 hours: NA troops from the San Juan de Nicaragua border post, in coordinate (1002), captured a rumbo-type skiff named JENDI MEZA, with a 75-HP Yamaha motor and Costa Rican license CP1786, owned by Costa Rican Santiago Peña Campos, with four crew members on board. Stating they were purchasing drugs, the crew members were: Aletin Rodríguez Barrantes (22 years old), Costa Rican ID card N3-340-991, from whom US\$ 2,000 and a Makarov pistol with the serial number erased were confiscated; Richard Taylor Wilson (40 years old), from whom US\$ 20 were confiscated; Ronald Briones Castillo, ID card N-260-148661-083249; and Esloy Samud Harris Wallace from Limón, Costa Rica, ID card N-7-080-341.
- 02 July 99, at 15:00 hours: arriving at the mouth of the San Juanillo River, a vessel coming from San Juan del Norte was intercepted by three armed and hooded individuals carrying two pistols and one rifle. These individuals intimidated the vessel owner, Sebastián Urbina Ruiz (Chevo), taking the following items:
 - One gold chain valued at 30,000 colones;
 - One gold ring valued at 20 colones;
 - One 25-caliber pistol;
 - Two million colones.
- After the assault, the criminals withdrew toward El Delta, identifying themselves to Costa Rican citizens Michel and José Reinaldo Cajina Vidaurre.

- 08 August 99: a skiff with two Costa Ricans with records of drug-trafficking activity arrived in San Juan del Norte. The two men were held for not carrying documentation:
 - Virgilio Hernández
 - Roger Félix García
- A fiberglass skiff with a 175-HP motor were seized from them.
- 30 December 2000: Mercedes Jarquín and Dennis Carl Johnson, both of Costa Rican nationality, were captured in the town of San Juan del Norte. Four packets of cocaine were seized and handed over to the National Police in San Carlos.

SQUATTER INVASIONS

- 22 January 96, at 11:00 hours: 5 families have settled in the sector of Dos Bocas de Bartola (1698), 13 kilometers southeast of El Castillo.
- 21 August 96, at 06:00 hours: 72 Nicaraguan citizens living in Costa Rican territory on the edge of the San Juan River occupied part of the Indio Maíz Reserve in the sectors of Caño San Francisco (9225) and Caño El Tambor (9231), 5km and 6km northeast of the Sarapiquí border post. They are demanding the provision of properties.
- 16 August 99: Our troops detected a settlement of 18 people from Costa Rican territory, led by Mercedes Jarquín, in the area of Chingo Petaca (8988), 8km northeast of El Delta.
- 12 October 99: four families from Costa Rican territory settled in sectors of Caño Machado (9412), 5km east of the Boca de San Carlos border post, led by Juan Pastor García, from whom two 0.22-caliber rifles were seized. The families were notified that they cannot settle in this area and that, otherwise, they would be evicted.
- 15 September 2000: 19 squatters from Costa Rica settled in the area of Caño Machado (9412), 5km east of the Boca de San Carlos border post, and on 16 September 2000 were evicted by a Nicaraguan Army patrol and transferred to Costa Rican territory.
- 02 February 2000: Costa Rican citizen Francisco Marazán Flores was evicted from the sector of Remolino Grande (9221), 14 kilometers east of Boca de San Carlos. He was handed over to Costa Rican authorities at Boca de San Carlos.
- 03 February 2000: three families from Costa Rica who had settled in the area were evicted from the sector of Las Cureñas (9173), 7km northeast of the Sarapiquí border post.

- 07 June 2000: Costa Rican farmer José Antonio Ortega González was found preparing an area for settlement in the San Francisco (9074) sector, 5km northeast of the Sarapiquí border post, and was evicted.

SEIZURE OF LUMBER

- 20 January 96, at 11:00 hours: NA troops seized 192 planks that had been cut by Costa Rican individuals in the sector of Camibar (2931), 25km southeast of San Carlos, on the property of Manuel Salguera García.
- 25 June 96, at 15:00 hours: the cultivation of 0.17 hectares was detected on the banks of the San Juan River in Las Cruces (8775), 5km northeast of the Sarapiquí border post. This activity was carried out by Costa Rican and Nicaraguan citizens that live in Costa Rican territory on the banks of the San Juan River.
- 26 May 97: five thousand board feet of lumber had been cut by Salomón Vásquez in the sector of Camibar (2931), 25km southeast of San Carlos, and transferred to Costa Rican territory via the Camibar River.
- 29 May 97, at 13:30 hours: a Stolly chainsaw was seized from Danilo Meza in the sector of Punta Jobo, four kilometers west of El Delta border post, for the felling of two trees and the transfer of their lumber to Costa Rica for sale.
- 10 June 97: in the sector of Nazareth (2829), 26km southeast of San Carlos, Víctor Herrera, who had been authorized by MARENA to cut 12 timber trees, instead cut 40 trees, transferring the lumber to Costa Rican territory through the sector of San Antonio. The lumber was the property of Olga Velásquez and Eva Velásquez, Nicaraguan citizens living in Upala, Costa Rica.
- 21 June 97: in the sector of marker stones 8 and 9, La Ñoca, 22km and 23km southeast of San Carlos, it was detected that 2.8 hectares of forest had been felled by unknown citizens of Nicaraguan nationality living in Costa Rican territory.
- 08 February 01: Costa Rican subjects cut two cedar trees in sectors of Isla La Culebra, 5km southeast of El Delta border post.
- 12 February 01: the felling of three cedar trees by Costa Ricans was discovered in sectors of Isla La Chimurria (8992), 5km southeast of the El Delta border post.
- 26 November 01: a Nicaraguan Army river patrol discovered the felling of four cedar trees by individuals from Costa Rica in sectors of Isla California (9326), 9km northeast of the Sarapiquí border post.

- 04 December 01: the felling of four cedar trees by individuals from Costa Rica was discovered in sectors of Caño San Francisco (9426), 10km northeast of the Sarapiquí border post.
- 10 February 02: a PEA discovered the felling of one cedar tree and 40 4x8x2 planks of cedar in sectors of Chingo Petaca (8888), 8km northeast of the Sarapiquí border post.

ILLEGAL HUNTING AND FISHING

- 31 January 96, at 15:00 hours: NA troops in the sector of Caño Las Cureñas (9173) 7km northeast of the Sarapiquí border post, on the San Juan River captured and seized a 0.22-caliber rifle from Costa Rican subject Ramón Mairena Pastora, who was hunting endangered species.
- 22 August 96, at 06:30 hours: in the sector of Punta de Castilla (1064), 6km east of San Juan de Nicaragua, NA troops captured two vessels coming from Costa Rican territory with seven crew members, including three Costa Ricans: José Giovany Peña Vega, Nortiel Sánchez Tuckler, Luis Ángel Peña Vega, and four Nicaraguans, identified as Juan Alvarado Menay, Carlos González Hodgson and Eugenio Sánchez Tuckler.
- 19 December 96, at 14:00 hours: two citizens of Costa Rica, Juan Jarquín Acevedo and Lázaro Jarquín Acevedo, both without ID cards, were found and captured in the sector of Isla Tabora (9506), 1.5km west of the Boca de San Carlos border post. They carried a 0.22-caliber rifle, serial number 2027892-2996656, and intended to hunt illegally in the sector of the Indio Maíz Biological Reserve.
- 06 March 97: the Sarapiquí border post reported that Costa Rican national Dr. López entered Nicaraguan waters in a tourism boat, presenting a letter signed by the embassy to enter the territory, and was found bass fishing in front of the Caño San Juanillo (0506), 5km southeast of San Juan de Nicaragua, and, from there, entering the channels of the Indio Maíz Reserve for illegal tourism in smaller vessels (skiffs).
- 15 April 97, at 06:00 hours: NA operational services at El Delta border post destroyed 33 fishing traps used by Costa Rican citizens to capture shrimp in Caño La Culebra (9302), 4km northeast of El Delta.
- 19 June 97, at 19:00 hours: NA troops found a trammel net used for fishing by Costa Rican citizens in the sector of Bocana la Tigra (8686), 5km east of Sarapiquí.

- 04 August 97, at 10:00 hours: the NA disabled nine fishing traps in the sector of Las Casas (0308), 10km southeast of San Juan de Nicaragua, finding three kilos of shrimp. The traps were placed by Costa Rican hunters and fishers.
- 23 August 97, at 13:00 hours: NA troops captured Costa Rican subject Manuel Tenorio Escamilla (33), with ID card number 2357065, in the sector of Valencia (0806), 6km southeast of San Juan de Nicaragua, on the banks of the San Juan River.
- 12 October 97, at 12:30 hours: NA troops and MARENA personnel captured three Costa Rican citizens hunting and fishing illegally in the sector of Las Tiricias (1091), 10km southeast of El Castillo.
- 13 November 97, at 15:00 hours: NA troops captured three Costa Rican individuals who were fishing illegally in the sector of Valencia (0806), 6km southeast of San Juan de Nicaragua, seizing two 0.22-caliber rifles, one 16-caliber shotgun. The names of those captured are Roger Mejía Ocampo (27), with ID card number 2450557; José Meneses Montiel and Noel Torres Gutiérrez (36).
- 25 November 97, at 05:00 hours: vessels of Costa Rican nationality from Barra Colorado, Costa Rica, were carrying out illegal fishing in the sector of El Delta, 15km south of San Juan de Nicaragua, on the San Juan River.
- 13 March 98, at 14:20 hours: in the sector of Remolino Grande (9121), 13km east of the Boca de San Carlos border post, NA troops captured two Costa Rican vessels that were navigating the San Juan River without authorization. On board were seven occupants (six Costa Ricans and one Nicaraguan) who were hunting and fishing illegally: Ubaldo Hidalgo Méndez of Ciudad Quezada, Arquimedes Hidalgo Méndez of Ciudad Quezada, Gilberto Castro Ocampo of Ciudad Quezada, José Luis Chavarría of Ciudad Quezada, Brandon Vargas of Ciudad Quezada and Félix Flores Miranda, a Nicaraguan from Boca de San Carlos. The following items were seized: four 0.22-caliber pistols, one harpoon, two skiffs with their motors, and two additional motors.
- 09 May 98, at 10:00 hours: NA troops destroyed 14 fishing traps in the Sarapiquí sector (8775), 4km northeast of the border post, on the San Juan River.
- 20 September 99: in the sector of El Sarnoso River, 14 kilometers northwest of Boca de San Carlos, the following four Costa Rican civilians were captured carrying out illegal hunting and fishing:
 - Alejandro Salvador Mena
 - Jimmy Salvador Guevara
 - Gilberto Dávila Guevara
 - Marvin Reyes Cruz

They were handed over to the Costa Rican Civil Guard.

- 09 January 2000: three Costa Rican subjects aboard a canoe entered the Indio Maíz Biological Reserve, in the sector of Caño Chorrera, in order to hunt illegally.
- 16 September 2000: a combined Army / MARENA patrol detained and captured two small vessels in the sector of El Portillo, three kilometers east of San Juan de Nicaragua, for illegal fishing. Three Costa Ricans and two citizens of the United States were detained and handed over to Immigration authorities in San Juan de Nicaragua.
- 09 February 01: a river patrol from the Sarapiquí border post destroyed 28 shrimp traps in the sector of Isla Morgan.
- 12 February 01: a river patrol from the Sarapiquí border post destroyed 85 shrimp traps in the sector of Isla La Culebra (8992), 4km southeast of the El Delta border post.
- 02 April 01: three Costa Rican nationals on board a skiff entered sectors of Caño Machuca (0400), 10km northeast of the Boca de San Carlos border post, and were captured when hunting illegally. The skiff and a 0.22-caliber rifle were seized. The subjects were handed over to Immigration.
- 09 August 01: a canoe with fishing lines was found in the sector of Caño Machado (9412), 5km east of the Boca de San Carlos border post. It was seized after being abandoned by those who were using it for illegal fishing.
- 02 December 01: a river patrol from the Sarapiquí border post destroyed 21 fishing traps in sectors of Chingo Petaca (8988), 8km northeast of the Sarapiquí border post.
- 24 January 02: Costa Rican David Espinoza was captured in a sector of Caño Machado (9412), 5km east of the Boca de San Carlos border post, when fishing illegally. His canoe and fishing lines were seized.
- 20 March 02: three subjects of Costa Rican nationality were captured by the Nicaraguan Army in sectors of Isla California (9327), 7km northeast of the Sarapiquí border post, when they were hunting illegally:
 - Leonel Machado Jirón
 - Isabel González Arias
 - Eusebio Arias Jirón
- 14 April 02: A skiff with five Costa Ricans aboard was captured in a sector of Caño Las Cruces (0308), 8km northeast of the Boca San Carlos border post, when found fishing illegally. The skiff was seized. The following detainees were handed over to Immigration authorities:
 - Alberto Arieta Vargas

- Oliver Pérez Gamboa
- Jose Benigno Prado
- Cecilio Amador Rivera
- Felix Alpizar Campos

ANNEX 75

Affidavit of Edén Atanasio Pastora

10 March 2008

TESTIMONY OF PUBLIC DOCUMENT NUMBER EIGHTEEN - NOTARIAL CERTIFICATE. In the city of Managua, at one in the afternoon on tenth of March, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2008. Mister **EDEN ATANASIO PASTORA**, stands before me and in his own name, with identity card number 449-220137-000M, of age, married, fisherman and domiciled in the city of Managua, Municipality of Managua, Nicaragua. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

First: I am a citizen of the Republic of Nicaragua. I was born in the city of Darío, Matagalpa Province, on the twenty-second of January, 1937. I am very familiar with the San Juan River and the Colorado River, and the activities that took place on both rivers in the years between the mid 1960s and the late 1980s, based on my personal experience in this region.

Second: I became a member of the *Frente Sandinista de Liberación Nacional (FSLN)*, a revolutionary movement dedicated to overthrowing the Somoza dictatorship in Nicaragua, in 1964. I operated then, and for the remainder of the 1960s and most of the 1970s, principally between San Juan del Norte in Nicaragua and Barra del Colorado in Costa Rica. The former is at the mouth of the San Juan River. The latter is at the mouth of the Colorado River. I frequently navigated by river between the two towns. The route takes you from San Juan del Norte west along the San Juan River until the point known as Delta, where the San Juan divides and part of it forms the Colorado River that flows through the Costa Rican coast. At Delta you turn to the left and enter the Colorado River and follow it to its mouth, where Barra del Colorado is located.

Third: Between 1972 and 1977, I was engaged in the shark fishing business in the Colorado River, which also served as a cover for my clandestine activities on behalf of the FSLN during that period. In the final stage of the revolution against the Somoza dictatorship, between 1977 and 1979, I was a guerrilla commander, leading the group of revolutionary forces known as the *Frente Sur*, which staged attacks against the armed forces of the dictatorship from bases in Northern Costa Rica, just south of the San Juan River. In the final uprising, between January and July 1979, a major offensive was launched by the forces of the *Frente Sur* across the San Juan River and into Central Nicaragua. After the triumph of the revolutionary forces and the establishment of a new

Government of National Reconstruction on 19 July 1979, I served in the new government as Vice Minister of Defense.

Fourth: However, I soon became disillusioned with the direction of the new government because, in my view, it was beginning to betray the democratic aspirations of the Nicaraguan people, which is what I always thought I along with my fellow compatriots in the FSLN had been fighting for since the mid 1960s. Eventually, I resigned my post and went back to Costa Rica to organize and lead another revolutionary struggle, this time against the government in Nicaragua that had replaced the Somoza dictatorship, but to me seemed more and more like a dictatorship of a different kind. By 1982, I became the Commander of the *Alianza Revolucionaria Democrática* (ARDE), a guerrilla force of approximately 7,500 combatants, based in southern Nicaragua, just north of the San Juan River. Between 1982 and 1986, ARDE battled the forces of the Nicaraguan government all along and across the San Juan River. Other guerrilla forces opposed to the Government of Nicaragua also operated in this area, and continued to fight for the remainder of the decade of the 1980s and even into 1990 and 1991.

Fifth: Based on my personal experience in the region between the mid-1960s and the late 1980s, especially my military and paramilitary experience, I am very familiar with what kind of vessels navigated along the San Juan River and the Colorado River, and the frequency and purpose of those trips. During the 1960s and 1970s the San Juan River was controlled by the Nicaraguan Army, which was then known as the *Guardia Nacional*. The *Guardia Nacional* exercised a tight control over the San Juan River, and did not permit navigation by Costa Rica's *Guardia Civil*. During this period, relations between the governments of Nicaragua and Costa Rica were poor. General Somoza and his military clique always suspected that the Government of Costa Rica was its enemy, and that it supported the revolutionary groups that wanted to overthrow his regime. In fact, while the level of support or tolerance of the Costa Rican government for the Nicaraguan revolutionaries who operated from its soil varied over time, General Somoza was fundamentally correct in his assessment of Costa Rica's behavior. For this reason, among others, the *Guardia Nacional* did not permit Costa Rican security forces to navigate on the San Juan River. This did not prevent Costa Rica from bringing supplies or relief to its posts close to the right bank of the San Juan River, which during that period were located only at Boca San Carlos and Boca de Sarapiquí. Costa Rica supplied the post at Boca San Carlos by sending goods by boat down the San Carlos River to its junction with the San Juan River. Likewise, Costa Rica supplied the post at Boca de Sarapiquí by boat, which was around three hours from Puerto Viejo de Sarapiquí. Costa Rica also had a post at Barra del Colorado, which was supplied by air, since there was an airport at that location.

Sixth: During this period, there was very little commercial traffic along the San Juan River. There was almost no trade between San Juan del Norte, which was the only Nicaraguan town along the entire length of the river, with the Costa Rican side. In that period, San Juan del Norte received its provisions either from Bluefields, up the Atlantic Coast of Nicaragua, or from San Carlos, on Lake Nicaragua at the source of the San Juan River. Later, during the time that I commanded ARDE's forces against the Nicaraguan government in the 1980s, San Juan del Norte became completely isolated and the entire population left. In the 1960s and 1970s there was some trade in goods between Puerto Viejo de Sarapiquí and Barra del Colorado, which necessarily included transport along a portion of the San Juan River, but this was small and infrequent, and consisted only of some basic foods and other supplies. There were no customs posts anywhere along the river, and no international trade at all. Nor was there any significant tourism during this period. Of course, some explorers or nature lovers set out from Barra del Colorado from time to time, and went up the Colorado River to the San Juan River, but this was neither regular, organized or frequent. In any event, it all came to a stop during the final offensive against the Somoza dictatorship in the late 1970s, and during ARDE's struggle against the Sandinista government in the 1980s. The principal and most frequent use of the river by Costa Ricans during this entire period, from the 1960s to the 1980s, was by the local population that lived in the small settlements in Costa Rica's territory. They navigated the river in their small boats as part of their daily lives. But even this was reduced to a minimum during the height of the war years, 1977 to 1979 and 1982 to 1986, because of the extreme risk of going out on a river that was the center of a war zone, where every boat was a potential target of either the ARDE forces or the Sandinistas if it was suspected of belonging to or assisting the other side.

As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to present the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) Illegible (f) Molina.

This occurred before me from the front of folio number twenty-three to the reverse of folio number twenty-four, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, in two pages of legally sealed paper, which

was signed, sealed, and dated, on the city of Managua, at three thirty in the afternoon of the tenth of March, 2008.

ANNEX 76

Affidavit of Franklin Ponce Ortiz

7 March 2008



TESTIMONY OF PUBLIC DOCUMENT NUMBER TEN - NOTARIAL CERTIFICATE. In the city of San Carlos, San Juan River Province, at ten in the morning on the seventh of March, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2008. Mister **FRANKLIN PONCE ORTIZ**, stands before me and in his own name, with identity card number 521-121075-0001V, of age, single, office worker, and domiciled in the city of San Carlos, San Juan River Province. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

First: I am a citizen of the Republic of Nicaragua, born in the city of San Carlos, of this same province, the twelfth of October, 1975. I am currently the Immigration Dispatch's Inspector for the Department of Immigration, Dirección General de Migración y Extranjería, for the entire San Juan River Province. I have held this position since June 2002.

Second: When I first began to serve as an immigration agent in the San Juan River area, only two immigration posts had been established, one was located on the Sarapiquí River and the other at San Juan de Nicaragua. The immigration posts located at Boca de San Carlos and Delta were established during the time I was working in the San Juan River region. The post at San Juan de Nicaragua was the first to be established, in 1994, due to the influx of Nicaraguan refugees living abroad invited by the UN High Commissioner for Refugees to repopulate the town, which had been abandoned during the war in the 1980s; as such, the immigration post in San Juan del Norte originally functioned to help process this new population of residents. Since then, the immigration posts located along the river have taken on their proper functions of regulating the flow of foreign citizens who enter into Nicaraguan territory through the San Juan River.

Third: As an immigration agent, my work applies to foreigners entering Nicaraguan territory, in this case via the River San Juan. The foreigners entering the country through the river primarily do so using tour boats, and a few are Costa Rican boatmen who use the river to transport goods for local consumption. In addition, one Costa Rican boatman transports local passengers from the community called La Tigra to Puerto Viejo, both in Costa Rican territory. As has been similarly required in Costa Rica for Nicaraguans for some thirty years, Nicaragua requires Costa Rican citizens to acquire a consular visa to enter Nicaraguan territory, unless they are residents of the San Juan River banks. Thus, under the national laws and regulations, the couple of non-local Costa Rican

boatmen who need to navigate the river must have a visa. However, the municipality of San Juan de Nicaragua made a request that the Department of Immigration create an exception for Costa Rican citizens who were transporting goods to the town via the river, which was granted. Under this exception these few Costa Rican boatmen are not required to acquire a visa or a tourist card.

Fourth: In addition, the immigration authorities on the river do not regulate the local residents. River residents, for their own safety and for the security of the territory, are simply required to register themselves with the military officials when they pass a military post. As immigration authorities, we have no interaction with them, as they are not considered foreign travelers.

Fifth: Thus the primary work conducted by immigration officials on the San Juan River posts of San Juan de Nicaragua, Delta, Boca de Sarapiquí, and Boca San Carlos is processing foreign travelers arriving by tourist boats on the river. This process is the same process required at any international immigration point for the entry into and exit from Nicaraguan territory. Those entering Nicaraguan territory through any point must acquire a tourist card, which currently costs US \$5, and a US \$2 charge for immigration services. At all Nicaraguan immigration exit points, the foreign tourists must also present themselves upon leaving the country, and pay US \$2 for immigration services.

Sixth: Most foreign travelers entering Nicaragua are not required to have a consular visa, as they are on an immigration list as Category "A," which signifies that they are "visa free" (*libre visado*). Currently, this category consists of at least 77 countries, including those from which the great majority of the foreigners entering the San Juan River originate, including the United States, the European Union countries, Australia, and Mexico. The relatively few foreigners of other nationalities entering Nicaragua by the river are required to present their passports with visas. The requirement that non-local Costa Ricans have a consular visa to enter Nicaragua is based on reciprocity. All Costa Rican immigration entry posts require a consular visa from Nicaraguan travelers entering Costa Rica.

As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to liberate the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) illegible (f) Molina.

This occurred before me from the reverse of folio number nine to the reverse of folio number ten, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on two pages of legally sealed paper, which was signed, sealed, and dated, in the city of Managua, at nine in the morning of the tenth of March, 2008.

ANNEX 77

Affidavit of Colonel Ricardo Sánchez Méndez

9 March 2008

TESTIMONY OF PUBLIC DOCUMENT NUMBER SIXTEEN - NOTARIAL CERTIFICATE. In the city of Managua, at five in the evening on the ninth of March, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2008. Mister **RICARDO SANCHEZ MENDEZ**, stands before me and in his own name, with identity card number 001-240256-0035R, of age, married, in military service, and domiciled in the city of Matagalpa, Municipality of Matagalpa, in transit in this city. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

First: I am a citizen of Nicaragua, born in the city of Managua, on the 24th of February, 1956. I am a Colonel in the Army of Nicaragua. I have had this rank since 2003. My present assignment is as Chief of the Sixth Regional Military Command. I have had this position since the 6th of July, 2007.

Second: Between the 3rd of December 2002 and 5th of July, 2007, I served as the Chief of the South Military Detachment, with headquarters in San Carlos and responsibility for security, border protection, and environmental protection in the San Juan River Province, and for safety of navigation on the San Juan River and the southern part of Lake Nicaragua, which are part of that Province.

Third: During the period that I served as Chief of the South Military Detachment, I maintained good relations with my Costa Rican counterparts, whose last names were Esquivel and Cubero, and who were responsible for security along Costa Rica's border with Nicaragua. We met periodically, either at my headquarters in San Carlos or at their posts on the Costa Rican side to exchange information relating to border security, criminal activity and other subjects of mutual concern. From time to time, I authorized the troops under my command to assist Costa Rican institutions in carrying out humanitarian activities directed toward the local Costa Rican population.

Fourth: During this period of more than four and a half years, neither the *Guardia Civil* nor any other Costa Rican security or law enforcement personnel navigated on the San Juan River. Nor did they ever request permission from me or any other Nicaraguan authority to navigate on the river. This was not part of their mission. They were responsible for security in Costa Rican territory only, including the right bank of the San Juan River, east of the point that is three miles

below El Castillo, continuing to the east until the Atlantic Ocean, and on Costa Rica's inland waterways, such as the San Carlos, Sarapiquí and Colorado Rivers. Security on the San Juan River itself was the exclusive responsibility of Nicaragua, which has sovereignty over the river. During these four and a half years the Costa Ricans did not use the San Juan River to supply or replace their security forces stationed at their police posts south of the right bank of the river, at Boca San Carlos, Boca de Sarapiquí and Delta. Nor did they ever ask permission to do so. Instead, they regularly supplied and replaced these forces by land, using the roads that Costa Rica had constructed and improved during the 1990's and continued improving and extending during the early 2000's. By the time I was placed in charge of the South Military Detachment, all of these posts were connected by roads. I am aware that, at some times prior to my service as Commander of the South Military Detachment, the *Guardia Civil* navigated the San Juan River not for security or other police purposes, but for the sole purpose of bringing supplies and replacements to its security personnel stationed along the river. That practice, which ceased in mid-1998, was always contingent upon the Costa Rican authorities' making a prior request for permission from Nicaragua to navigate the river to supply and replace their security forces, and Nicaragua's issuance of this specific authority to the Costa Ricans. The practice was also contingent upon the Costa Ricans' strict compliance with the requirements established by Nicaragua, especially, that the vessels carrying Costa Rican security officers report to the nearest Nicaraguan military post upon entering the San Juan, that the Costa Rican personnel remain unarmed while navigating the river, that their arms be placed and kept on the floor of their vessel, and that a Nicaraguan soldier accompany them aboard the vessel during the entire time they remained in Nicaraguan waters. I am aware that the Costa Ricans fully complied with these requirements, at least until the middle of 1998, when the practice ceased.

Fifth: Occasionally, during my period as Chief of the South Military Detachment, Costa Rican government officials other than security personnel requested permission to navigate the San Juan River. In all such cases, the requests were directed at the Ministry of Foreign Relations in Managua, which made the decision whether to authorize the requested navigation or not. Whenever an authorization was given, the Costa Rican vessel was required to report to a Nicaraguan military post upon entering and leaving the San Juan, to undergo a safety inspection at the point of entry and receive a departure clearance certificate (for which Costa Rican official vessels, as a courtesy extended by Nicaragua, were not charged a fee), and to report the names of all those on board. Upon leaving Nicaraguan waters, the vessel had to present of list of passengers to the army post, for the purpose of verifying that all who entered were departing. No fees were charged for the boat or for the passengers.

Sixth: Local Costa Rican residents who lived in the Costa Rican territory to the south of the right bank of the San Juan River, and boatmen who transported basic goods between hamlets located in the area, navigated the river without restrictions, except for the prohibition on river navigation at night. This was both a safety requirement, since navigation after dark is extremely dangerous and unwise, and a security and environmental protection necessity, because most criminal activity and environmental depredation (including hunting and fishing for protected species in the Indio Maíz Biological Reserve and the San Juan River) took place at night. During daylight hours, local residents navigated freely. For security and safety reasons they were required to report their comings and goings on the river (as were Nicaraguans who used the river). They were given departure clearance certificates as a matter of courtesy and without charge. There were very few boatmen who carried goods along the river, because there was very little trade in goods between settlements. I recall, in particular, the transport of coconuts to Barra del Colorado, commerce in basic groceries and household goods purchased in Puerto Viejo de Sarapiquí and carried to hamlets along the San Juan, and the transport of some seafood from San Juan del Norte to Barra del Colorado using the San Juan River and then the Colorado River. On average those people made two voyages a month to carry out this very limited trade, and always in small boats. There were no customs posts at any of these locations, and any goods that went from Nicaragua (San Juan del Norte) to Costa Rica or vice versa entered without passing through customs. Local boatmen, both Nicaraguan and Costa Rica, were required to have a safety inspection and obtain a departure clearance certificate from Nicaragua on entering the San Juan River. We encountered no difficulties with the local boatmen, nor they with us during the period that I was Chief of the South Military Detachment.

Seventh: By far, the most frequent use of the river for navigational purposes (apart from the regular patrols conducted by Nicaraguan army personnel in their official vessels), was by Costa Rican tour operators, who carried tourists between Puerto Viejo de Sarapiquí and Barra del Colorado or Tortuguero on the Atlantic Coast. They navigated only a small section of the San Juan River, between Boca de Sarapiquí and Delta. For safety reasons, all tourist boats (including those operated by Nicaragua from El Castillo or San Juan del Norte) had to stop at the army post closest to their point of entry onto the river and submit to a safety inspection, which included a determination that the vessel was not carrying any weapons, explosives or other flammable materials. Upon passing the inspection, the boatman was issued a departure clearance certificate for a fee of US\$ 5, or the equivalent in cordobas or colones. Tourists, as at all Nicaraguan points of entry, were required to obtain a Nicaraguan tourist card for a fee of US\$ 5. They were also registered as entering and exiting Nicaragua by immigration officers. A fee of US\$ 2 was charged both for entry and exit. This is also required

in any immigration point in Nicaragua. Tourists were also required to show valid passports. Very rarely were they ever required to show a Nicaraguan visa, because Nicaragua does not require tourists from North America, member countries to the European Union, Canada or Australia to obtain visas, and almost all of the tourists on these vessels were from those countries, with very few exceptions. In 2005, Nicaragua began to require that citizens of Costa Rica obtain visas to enter Nicaragua, not only upon entering the San Juan River, but at all Nicaraguan points of entry. This was in response to Costa Rica's practice of requiring Nicaraguans to obtain a Costa Rican visa, imposing very strict requirements. It is much easier for Costa Ricans to obtain a Nicaraguan visa. After Nicaragua imposed this reciprocal visa requirement for Costa Ricans, Costa Rican boatmen and other crew members, if any, were required to present passports with valid Nicaraguan visas stamped in them.

Eighth: Also in 2005, Nicaragua began to enforce more strictly a requirement on river navigation that had long existed, but had been loosely enforced. This was a requirement that vessels navigating the San Juan River, which is under Nicaraguan sovereignty, fly a Nicaraguan flag. The requirement was not applicable to all vessels. Small boats like the kind used by local residents were not required to fly a Nicaraguan flag. The requirement was applicable only to large motorized boats that had prows at the fore and aft ends. These vessels were permitted to fly the Costa Rican flag. But in Nicaraguan waters, both as a matter of courtesy to the host State and respect for its sovereignty, they were required to fly the Nicaraguan flag as well. In practice, this meant only that the Costa Rican tour boats kept a Nicaraguan flag on board, and hoisted it during the time they were on the San Juan.

As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to liberate the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) Illegible (f) Molina.

This occurred before me from the front of folio number eighteen to the front of folio number twenty, from my present Protocol number twenty-one that I have in the present year. This first testimony, from which the Declaration is made, was carried out, on three pages of legally sealed paper, which was signed, sealed, and dated, in the city of Managua, at one in the afternoon of the tenth of March, 2008.

ANNEX 78

Affidavit of Brigadier General Francisco Orlando Talavera Siles

19 May 2008

TESTIMONY OF PUBLIC DOCUMENT NUMBER TWENTY-FOUR - NOTARIAL DECLARATION. In the city of Managua, Province of Mangua, at ten in the morning on nineteenth of May, 2008. Before me, **WALNER ABRAHAM MOLINA PEREZ**, Attorney at Law and Notary Public of the Republic of Nicaragua, domiciled in the city of Managua, duly authorized by the Honorable Supreme Court of Justice to act as notary during the five year period that expires on fifteenth of April, 2013. Mister **FRANCISCO ORLANDO TALAVERA SILES**, stands before me and in his own name, with identity card number 241-051257-0010G, of age, married, in active military service, and domiciled in the city of Managua. Who I swear to know personally and who in my judgment has sufficient civil and legal capacity necessary to bind himself and contract, especially for the execution of the present act. Manifests the following:

FIRST: I am a citizen on the Republic of Nicaragua. I was born in the city of Jinotega, Jinotega Province, on 5 December, 1957. I am a Brigadier General in the Army of Nicaragua. I am currently the Chief of the Office of Civil Affairs of the Nicaraguan Army. I have had this rank and held this position since September 2006 and since 12 March 2003, respectively.

SECOND: From 29 October 1997 until 29 June 2000, I was Chief of the Southern Military Detachment, headquartered in San Carlos, and responsible for security and border protection in the entire Province of Río San Juan, which includes the San Juan River and the Indio Maíz Grand Biological Reserve.

THIRD: Upon assuming my responsibilities as Chief of the Southern Military Detachment, I had a meeting at my headquarters in San Carlos with my Costa Rican counterpart, Colonel Walter Navarro Romero, who as Director General of the Public Force (*Fuerza Pública*), was commander of all of the Costa Rican security personnel in the border region. He explained to me that the *Guardia Civil* had been regularly navigating the San Juan River in their official vessels every month, after having requested and received prior authorization from the Chief of the Southern Military Detachment, for the purpose of delivering supplies and replacing the personnel at the police posts at Boca San Carlos, Boca de Sarapiquí and Delta, and that they would like authorization to continue doing so. Colonel Navarro explained that, although the posts could be supplied by road, it was inconvenient to do so during periods of heavy rain. However, Colonel Navarro further requested that, in contrast to past practice, I authorize the *Guardia Civil* officers to travel armed, "in case of an unexpected eventuality." I told Colonel Navarro that I was willing to support the resupplying of the posts, but that I would not authorize Costa Rican security personnel to navigate the San Juan River with police uniforms and arms. Colonel Navarro accepted my decision, as he had no other choice since the San Juan River is under the

sovereignty of Nicaragua, and between November 1997 and May 1998, the *Guardia Civil* navigated the San Juan River in conformity the same procedures as were employed prior to my arrival as Chief of the Military Detachment, which was that the resupplying had to be carried out by civil personnel.

FOURTH: There were no problems with this arrangement until June 1998. During that month, vessels of the Costa Rican *Guardia Civil*, without authorization from my headquarters, began to intercept Nicaraguan vessels carrying Nicaraguan passengers in Nicaraguan waters, based on the suspicion that they were planning to enter Costa Rica illegally. The *Guardia Civil* forced the Nicaraguan vessels to land on Costa Rican territory, where all the passengers were immediately arrested. In one of these incidents, on July 7, 1998, a Nicaraguan boat, carrying the Minister of Tourism, was intercepted by two Costa Rican *Guardia Civil* boats, upon passing the Costa Rican post at La Cureña. The *Guardia Civil* personnel attempted to order the boat to detain its travels in order for the vessel to be searched. The order was, of course, denied. After these incidences first began, I traveled to the Costa Rican command post at Los Chiles, on June 25, 1998, to meet with my counterpart and discuss these violations. However, the meeting was cancelled, since he never arrived. Soon thereafter, I again protested these unauthorized and unlawful violations of Nicaragua's sovereignty to Colonel Navarro, explaining that Nicaragua could not tolerate the *Guardia Civil* entering Nicaraguan waters to arrest Nicaraguan citizens in their own country, especially without having violated any law, and that they were not found to have an illegal status in our territory. I communicated to him that he and his forces were forbidden from detaining Nicaraguans on the San Juan River, and I reminded him that Costa Rican security personnel were prohibited from transporting, carrying, or using arms on the San Juan River. Colonel Navarro responded that if the Army of Nicaragua was not going to stop Nicaraguans from using the river to enter Costa Rica illegally, then the *Guardia Civil* would do it. As a result of that incident, and Colonel Navarro's refusal to discontinue the *Guardia Civil's* forcible detention of Nicaraguans, I ratified my order prohibiting the *Guardia Civil* from navigating on the river. Costa Rica responded by prohibiting any Nicaraguan army or police officer from entering Costa Rican territory, including Costa Rican rivers, and declaring that if any such person were found on Costa Rican soil or waters he would be detained. From that date forward, or, from the middle of July 1998 until the end of June 2000, when my tenure as Chief of the South Military Detachment ended, no *Guardia Civil* vessels navigated the San Juan River. Nor did any Nicaraguan vessel or officer of the army or police enter Costa Rican waters or territory. During this two year period, Costa Rica sent supplies and personnel to its police posts along the San Juan River by road.

FIFTH: In July 2000, less than a month after I left the Southern Military Detachment, a high level meeting of Nicaraguan and Costa Rican security officials was organized to discuss this situation at San Juan del Sur, on Nicaragua's Pacific Coast. The Nicaraguan delegation was led by General Javier Carrión McDonough, Commander in Chief of the Army of Nicaragua, and included Colonel Ricardo Wheelock Román, Chief of the Center for Military History; Major Walner Molina Pérez, Deputy Chief Legal Counsel; and Dr. Cecile Saborío Coze, Secretary General of the Ministry of Foreign Relations. The Costa Rican delegation was led by Minister of Public Security Rogelio Ramos Martínez, and included Colonel Walter Navarro Romero, Director General of the Public Force; and Colonel Carlos Alvarado Valverde, International Legal Advisor to the Ministry of Public Security and the Ministry of Foreign Relations. I was not present at that meeting, but I understand that the Costa Rican representatives again sought permission from Nicaragua to navigate the San Juan River for the sole and explicit purpose of supplying their border posts kept to the south of the right bank of the San Juan River, these posts being those at Boca San Carlos, Boca de Sarapiquí and Delta, but that the meeting did not result in any changes to the situation on the San Juan River, and that, following the meeting the prohibition on navigation by the *Guardia Civil* was maintained by Nicaragua and respected by Costa Rica.

SIXTH: The prohibition on official Costa Rican navigation of the San Juan River did not extend to private Costa Rican navigation, which continued freely during my tenure as Chief. The most frequent use of the river was by Costa Rica tourist boat operators. They navigated only on short stretches of the river. Principally, they navigated on the San Juan River only between Boca de Sarapiquí and Delta, a distance of 24 km, on the route between Puerto Viejo de Sarapiquí and Barra del Colorado; or, less frequently, in the area between Boca San Carlos and El Castillo (the latter lying on the part of the river where both banks belong to Nicaragua). In all cases, for the personal safety and territorial security reasons, the tourist boats were required to register at Nicaraguan border posts, both when they entered and left Nicaragua. Upon entering, the vessel was inspected to determine its safety, and the boat operator's license was reviewed to assure its validity. The boat operator was required to pay US\$ 5 for this service and was issued a departure clearance certificate which permitted the vessel to navigate on the river; Costa Rica also required vessels navigating in its waters to obtain a departure clearance certificate as a condition of being authorized to navigate. Tourists, but not crew members, were required to purchase a Nicaraguan tourist card for US\$ 5, and to pay \$4 for immigration services covering their entry and exit of national territory. Tourists were required to have valid passports, and depending on their country of origin, a valid visa. These are the same

requirements applicable to tourists who enter the country through any international immigration post.

SEVENTH: There is a very insignificant amount of river traffic dedicated to transport of goods between communities near the river. Except for San Juan del Norte with a population of some 200 people, there are no communities on the left side of the river, because the entire area is part of the Indio Maíz Grand Reserve and the San Juan River Wildlife Refuge, where human habitation is prohibited, and entry into the area is closely controlled and monitored. I recall that there was some small amount of trade between San Juan del Norte and Barra del Colorado, mainly in the transport and sale of shellfish. There was also a small amount of local trade between Puerto Viejo de Sarapiquí and a few of the communities on Costa Rican territory. This trade, or what there was of it, proceeded without interference. Boatmen were required to undergo safety inspections and to obtain departure clearance certificates, and sometimes their cargo was inspected to assure that they were not carrying protected plant or animal species illegally extracted from the reserves. There was a serious problem during this period in the illegal cutting of trees and stealing of logs from the reserves by Costa Rican residents, as well as the hunting or capturing of animals from the reserve. It was also illegal to fish in the river, since all the aquatic life was considered in danger and subject to protection. This was an essential means of preventing, discouraging, or at least keeping to a minimum, the depredation of flora and fauna from the Reserves.

EIGHTH: The river was also navigated freely by local Costa Rican residents. Because the local population was very small, all of the residents and their boats were or soon became familiar to the Nicaraguan soldiers manning the posts along the San Juan River. Local residents were given courtesy departure clearance certificates, for which they were not charged, and they were exempt from Nicaragua's immigration requirements. They were required only to inform the nearest Nicaraguan post of their entry to and departure from the river, for safety and security purposes. They were not required to request authorization to use the river, nor were they ever stopped from using it. The only limitation on this use was a prohibition – applicable to all vessels, including Nicaraguan vessels – from navigation at night. This was an important safety requirement, since it was very dangerous to navigate the river in the dark. Even Nicaraguan military vessels did not navigate at night, due to the presence of many fallen trees and other objects that were not visible in the dark, the numerous sand bars (also invisible at night) where the river is low and it was difficult to transit, the presence of crocodiles and the fact that local boats were not outfitted with lights, creating a hazard for themselves and for any other boats they might encounter.

As expressed by the person appearing before me, and well instructed by me, the notary, about the purpose, value and legal transcendence of this act, of the general clauses that assure its validity, of the specifications involved, and of the stipulations, both explicit and implicit, and of the necessity to present the corresponding testimony for the legal objectives deemed applicable. This writing was read in its totality to the person appearing before me, who finds it accurate, and approves, ratifies and signs it with me, the notary public, who gives faith to all the above stated. (f) O. TALAVERA S. (f) MOLINA. Notary.-

This occurred before me from the front of folio number forty-one to the reverse of folio number forty-three, from my present PROTOCOL NUMBER TWENTY-ONE, that I have in the present year. The testimony by which the Declaration was made, covered three usable pages of sealed legal paper, which was signed, sealed, and dated, in the city of Managua, at two thirty in the afternoon on the twentieth of May, 2008.