

INTERNATIONAL COURT OF JUSTICE

DISPUTE CONCERNING CERTAIN ACTIVITIES CARRIED
OUT BY NICARAGUA IN THE BORDER AREA
(COSTA RICA v. NICARAGUA)

MEMORIAL OF COSTA RICA



VOLUME II
(Annexes from 1 to 39)

5 DECEMBER 2011

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Annex 1

Costa Rica-Nicaragua Treaty of Limits (Cañas-Jerez)

English Translation: Costa Rican version submitted to Cleveland,

Source: P. Pérez Zeledón, *Argument on the question of the Validity of Limits between Costa Rica and Nicaragua* (Washington D.C., Gibson Bros Printers and Book binders 1887). Document No 1. pp 185-190

San José,

15 April 1858.

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

BY

PEDRO PÉREZ ZELEDÓN,

ITS ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
IN THE UNITED STATES.

(TRANSLATED INTO ENGLISH BY J. I. RODRIGUEZ.)



WASHINGTON:
GIBSON BROS., PRINTERS AND BOOKBINDERS.
1887.

DOCUMENTS.

No. 1.

Treaty of Limits between Costa Rica and Nicaragua, concluded April 15th, 1858.

We, Máximo Jerez, Minister Plenipotentiary of the Government of the Republic of Nicaragua, and José Maria Cañas, Minister Plenipotentiary of the Government of the Republic of Costa Rica, having been entrusted by our respective Governments with the mission of adjusting a treaty of limits between the two Republics, which should put an end to all the differences which have obstructed the perfect understanding and harmony that must prevail among them for their safety and prosperity, and having exchanged our respective powers, which were examined by Hon. Señor Don Pedro R. Negrete, Minister Plenipotentiary of the Government of the Republic of Salvador, exercising the functions of fraternal mediator in these negotiations, who found them to be good and in due form, as we on our part also found good and in due form the powers exhibited by the said Minister, after having discussed with the necessary deliberation all the points in question, with the assistance of the representative of Salvador who was present, have agreed to and adjusted the following Treaty of Limits between Nicaragua and Costa Rica.

ARTICLE I.

The Republic of Nicaragua and the Republic of Costa Rica declare in the most solemn and express terms that if for one moment they were about to enter into a struggle for reason of limits and for others which each one of the high contract-

ing parties considered to be legal and a matter of honor, now after having given each other repeated proofs of good understanding, peaceful principles, and true fraternity, they are willing to bind themselves, as they formally do, to secure that the peace happily re-established should be each day more and more affirmed between the Government and the people of both nations, not only for the good and advantage of Nicaragua and Costa Rica, but for the happiness and prosperity which, to a certain extent, our sisters, the other Central American Republics, will derive from it.

ARTICLE II.

The dividing line between the two Republics, starting from the Northern Sea, shall begin at the end of Punta de Castilla, at the mouth of the San Juan de Nicaragua river, and shall run along the right bank of the said river up to a point three English miles distant from Castillo Viejo, said distance to be measured between the exterior works of said castle and the above-named point. From here, and taking the said works as centre, a curve shall be drawn along said works, keeping at the distance of three English miles from them, in its whole length, until reaching another point, which shall be at the distance of two miles from the bank of the river on the other side of the castle. From here the line shall continue in the direction of the Sapoá river, which empties into the Lake of Nicaragua, and it shall follow its course, keeping always at the distance of two miles from the right bank of the San Juan river all along its windings, up to reaching its origin in the lake; and from there along the right shore of the said lake until reaching the Sapoá river, where the line parallel to the bank and shore will terminate. From the point in which the said line shall coincide with the Sapoá river—a point which, according to the above description, must be two miles distant from the lake—an astronomic straight line shall be drawn to the central point of the Salinas Bay in the Southern Sea, where the line marking the boundary between the two contracting Republics shall end.

ARTICLE III.

Such surveys as may be required to locate this boundary, whether in whole or in part, shall be made by Commissioners appointed by the two Governments; and the two Governments shall agree also as to the time when the said survey shall be made. Said Commissioners shall have the power to somewhat deviate from the curve around the castle, from the line parallel to the banks of the river and the lake, or from the astronomic straight line between Sapoá and Salinas, if they find that natural land-marks can be substituted with advantage.

ARTICLE IV.

The Bay of San Juan del Norte, as well as the Salinas Bay, shall be common to both Republics, and, therefore, both the advantages of their use and the obligation to contribute to their defence shall also be common. Costa Rica shall be bound, as far as the portion of the banks of the San Juan river which correspond to it is concerned, to contribute to its custody in the same way as the two Republics shall contribute to the defence of the river in case of external aggression; and this they shall do with all the efficiency within their reach.

ARTICLE V.

As long as Nicaragua does not recover the full possession of all her rights in the port of San Juan del Norte, the use and possession of Punta de Castilla shall be common and equal both for Nicaragua and Costa Rica; and in the meantime, and as long as this community lasts, the boundary shall be the whole course of the Colorado river. It is furthermore stipulated that, as long as the said port of San Juan del Norte remains a *free* port, Costa Rica shall not charge Nicaragua any custom duties at Punta de Castilla.

ARTICLE VI.

The Republic of Nicaragua shall have exclusively the dominion and sovereign jurisdiction over the waters of the San Juan river from its origin in the Lake to its mouth in the Atlantic ; but the Republic of Costa Rica shall have the perpetual right of free navigation on the said waters, between the said mouth and the point, three English miles distant from Castillo Viejo, said navigation being for the purposes of commerce either with Nicaragua or with the interior of Costa Rica, through the San Carlos river, the Sarapiquí, or any other way proceeding from the portion of the bank of the San Juan river, which is hereby declared to belong to Costa Rica. The vessels of both countries shall have the power to land indiscriminately on either side of the river, at the portion thereof where the navigation is common ; and no charges of any kind, or duties, shall be collected unless when levied by mutual consent of both Governments.

ARTICLE VII.

It is agreed that the territorial division made by this treaty cannot be understood as impairing in any way the obligations contracted whether in public treaties or in contracts of canalization or public transit by the Government of Nicaragua previous to the conclusion of the present treaty ; on the contrary, it is understood that Costa Rica assumes those obligations, as far as the portion which corresponds to its territory is concerned, without injury to the eminent domain and sovereign right which it has over the same.

ARTICLE VIII.

If the contracts of canalization or transit entered into by the Government of Nicaragua previous to its being informed of the conclusion of this treaty should happen to be invalidated for any reason whatever, Nicaragua binds herself not

to enter into any other arrangement for the aforesaid purposes without first hearing the opinion of the Government of Costa Rica as to the disadvantages which the transaction might occasion the two countries; provided that the said opinion is rendered within the period of 30 days after the receipt of the communication asking for it, if Nicaragua should have said that the decision was urgent; and, if the transaction does not injure the natural rights of Costa Rica, the vote asked for shall be only advisory.

ARTICLE IX.

Under no circumstances, and even in case that the Republics of Costa Rica and Nicaragua should unhappily find themselves in a state of war, neither of them shall be allowed to commit any act of hostility against the other, whether in the port of San Juan del Norte, or in the San Juan river, or the Lake of Nicaragua.

ARTICLE X.

The stipulation of the foregoing article being essentially important for the proper custody of both the port and the river against foreign aggression, which would affect the general interests of the country, the strict performance thereof is left under the special guarantee which, in the name of the mediator Government, its Minister Plenipotentiary herein present is ready to give, and does hereby give, in use of the faculties vested in him for that purpose by his Government.

ARTICLE XI.

In testimony of the good and cordial understanding which is established between the Republics of Nicaragua and Costa Rica, they mutually give up all claims against each other, on whatever ground they may be founded, up to the date of the present treaty; and in the same way the two contracting par-

ties do hereby waive all claims for indemnification of damages which they might consider themselves entitled to present against each other.

ARTICLE XII.

This treaty shall be ratified, and the ratifications thereof shall be exchanged, at Santiago de Managua within forty days after it is signed.

In testimony whereof we have hereunto subscribed our names to the present instrument, executed in triplicate, together with the Hon. Minister of Salvador, and under the countersign of the respective secretaries of Legation, at the city of San José, in Costa Rica, on the 15th day of April, in the year of our Lord 1858.

MAXIMO JEREZ.

JOSÉ M. CAÑAS.

PEDRO RÓMULO NEGRETE.

MANUEL RIVAS,

Secretary of the Legation of Nicaragua.

SALVADOR GONZALEZ,

Secretary of the Legation of Costa Rica.

FLORENTINO SOUZA,

Secretary of the Legation of Salvador.

ADDITIONAL ACT.

The undersigned, Ministers of Nicaragua and Costa Rica, wishing to give public testimony of their high esteem and of their feelings of gratitude towards the Republic of Salvador, and the worthy representative of the same, Col. Don Pedro R. Negrete, have agreed that the treaty of territorial limits be accompanied with the following declaration, namely:

“Whereas, the Government of Salvador has given to the Governments of Costa Rica and Nicaragua the most authentic testimony of its noble feelings, and of its high appreciation of the value and necessity of cultivating fraternal sympathy

Annex 2

Decree of President Tomas Martinez, President of the Republic of Nicaragua

Source: P. Pérez Zeledón, *Argument on the Question of the Validity of the Treaty of Limits between Costa Rica and Nicaragua* (Washington: Gibson Bros, 1887),
pp. 53-54

26 April 1858

ARGUMENT

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1887.

the ocean up to three miles this side of Castillo Viejo and the community of sovereignty on the bays of San Juan and of Salinas.

General Don Tomas Martinez, Provisory President of Nicaragua, had been invested by the Constituent Assembly of that Republic, at that time in session, to which he had reported in full the situation, ample and unlimited faculties to get over its difficulties as he might deem best, by means of treaties, which would not need ratification by the same Assembly, except only in case that the agreements made and entered into by him should prove to be at variance with the secret instructions simultaneously communicated to him. Then, and only then, the ratification by the Assembly was necessary.

In compliance with this decree, President Martinez approved of and ratified the treaty of April 15, 1858.¹

No one has ever said that he exceeded his instructions.

The decree by which he approved of and ratified the treaty reads as follows:

“Tomas Martinez, the President of the Republic of Nicaragua :

“Whereas, General Máximo Jerez, Envoy Extraordinary and Minister Plenipotentiary of Nicaragua to the Republic of Costa Rica, has adjusted, agreed upon, and signed, on the fifteenth instant, a treaty of limits, *fully in accordance with the bases which, for that purpose, were transmitted to him by way of instructions*; finding that said treaty is conducive to the peace and prosperity of the two countries, and reciprocally useful to both of them, and that it facilitates, by removing all obstacles that might prevent it, the mutual alliance of both countries, and their unity of action against all attempts of foreign conquest; considering that the Executive has been duly and competently authorized, by legislative decree of February 26th ultimo, to do everything conducive to secure the

¹ See Doc. No. 16.

safety and independence of the Republic; and by virtue, furthermore, of the reservation of faculties spoken of in the executive decree of the 17th instant:

“Does hereby ratify each and all of the articles of the treaty of limits made and concluded by Don José Maria Cañas, Minister Plenipotentiary of the Government of Costa Rica, and Don Máximo Jerez, Minister Plenipotentiary of the Supreme Government of Nicaragua, signed by them on the 15th instant, and ratified by the Costa Rican Government on the 16th. And the additional act of the same date is likewise ratified.

“Given at Rivas on the 26th day of April, 1858.

“TOMAS MARTINEZ.

“GREGORIO JUAREZ,

“*Secretary.*”

On the side of Costa Rica the treaty was ratified without difficulty; and as its conclusion was deemed to be a happy event for Central America, and more especially for the Republics immediately concerned in it, the exchange of the ratifications was made with unusual solemnity by the Presidents of the two Republics personally, attended by their respective Secretaries of State, and with the intervention of the Mediator Minister, Colonel Negrete.

With the act of exchange of these ratifications, the old question, which so often had caused both countries to come to the very verge of unpleasant situations, was settled and set at rest.

The Nicaraguan Executive took, however, a step further, and submitted the treaty to the Assembly. This was done, not because necessary, for the treaty, according to the terms of the decree of the Assembly, was valid without such a requisite; nor because such a submission was required as a matter of form, since the ratifications had been exchanged, and this exchange is a formality which never follows, but precedes legislative sanction; but because of the importance

Annex 3

Constituent Assembly of the Republic of Nicaragua: *Gaceta de Nicaragua*, No. 15,

Source: P. Pérez Zeledón, *Argument on the Question of the Validity of the Treaty of Limits between Costa Rica and Nicaragua* (Washington: Gibson Bros, 1887), p. 55

26 May 1858

ARGUMENT

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1887.

of the matters involved in it. And the Assembly came then and added its supreme sanction to the treaty by decree, which reads as follows:

“NUMBER 62.

“The Constituent Assembly of the Republic of Nicaragua, in use of the legislative powers vested in it, decrees:

“Article only. *The treaty of limits concluded at San José on the 15th of April, instant, between General Don Máximo Jerez, Minister Plenipotentiary from this Republic, and General Don José María Cañas, Minister Plenipotentiary from the Republic of Costa Rica, with the intervention of Colonel Don Pedro Rómulo Negrete, Minister Plenipotentiary from Salvador, IS HEREBY APPROVED.*

“TO THE EXECUTIVE POWER.

“Given at the Hall of Sessions of the Constituent Assembly in Managua, on the 28th of May, 1858—Hermenegildo Zepeda, *Vice-President*; José A. Mejiá, *Secretary*; J. Miguel Cárdenas, *Secretary*.

“Thereupon: Let it be executed. National Palace, Managua, June 4th, 1858—Tomas Martinez.”

In consequence thereof the treaty was published in the Official Journal,¹ and the text thereof was communicated as a law of the Republic to the diplomatic body, both foreign and national.

The same thing was done at Costa Rica.

The Constituent Assembly framed and enacted subsequently the Constitution of the Republic, and, by its Article I, declared that all special laws on limits formed part of the Constitution. By virtue of this provision the treaty of April 15, 1858, was clearly and indisputably embodied in the fundamental charter of that country.

The Costa Rican Constitution, which, in the following

¹ Gaceta de Nicaragua, No. 15, May 28, 1851.

Annex 4

Costa Rica-Nicaragua, Convention to submit to the arbitration of the Government of the United States the question in regard to the validity of the Treaty of April 15, 1858 (Esquivel–Román)

Source: P. Pérez Zeledón, *Argument on the Question of the Validity of the Treaty of Limits between Costa Rica and Nicaragua* (Washington: Gibson Bros, 1887), p.p. 5-8

Guatemala,

24 December 1886

ARGUMENT

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1887.

TREATY OF GUATEMALA ESTABLISHING THE BASIS OF THE
ARBITRATION.

Convention between the Governments of Nicaragua and Costa Rica to submit to the arbitration of the Government of the United States the question in regard to the validity of the treaty of 15 April, 1858.

The Governments of the Republics of Nicaragua and Costa Rica desiring to terminate the question debated by them since 1871, to wit:

Whether the treaty, signed by both on the 15th day of April, 1858, is or is not valid, have named, respectively, as plenipotentiaries, Señor Don José Antonio Roman, envoy extraordinary and minister plenipotentiary of Nicaragua, near the Government of Guatemala, and Señor Don Ascension Esquivel, envoy extraordinary and minister plenipotentiary of Costa Rica, near the same Government, who having communicated their full powers, found to be in due form, and conferred with each other, with the mediation of the minister for foreign affairs for the Republic of Guatemala, Doctor Don Fernando Cruz, designated to interpose the good offices of his Government, generously offered to the contending parties and by them gratefully accepted, have agreed to the following articles:

(1) The question pending between the contracting Governments, in regard to the validity of the treaty of limits of the 15th of April, 1858, shall be submitted to arbitration.

(2) The arbitrator of that question shall be the President of the United States of America. Within sixty days following the exchange of ratifications of the present convention, the contracting Governments shall solicit of the appointed arbitrator his acceptance of the charge.

(3) In the unexpected event that the President of the United States should not be pleased to accept, the parties shall name, as arbitrator, the President of the Republic of Chili, whose acceptance shall be solicited by the contracting Governments within ninety days from the date upon which the President of the United States may give notice to both Governments, or to their representatives in Washington, of his declination.

(4) If, unfortunately, the President of Chili should also be unable to lend to the parties the eminent service of accepting the charge, both Governments shall come to an agreement for the purpose of electing two other arbitrators within ninety days, counting from the day on which the President of Chili may give notice to both Governments or their representatives, in Santiago, of his non-acceptance.

(5) The proceedings and terms to which the decisions of the arbitrator are limited shall be the following :

Within ninety days, counting from the notification to the parties of the acceptance of the arbitrator, the parties shall present to him their allegations and documents. The arbitrator will communicate to the representative of each Government, within eight days after their presentation, the allegations of the opposing party, in order that the opposing party may be able to answer them within the thirty days following that upon which the same shall have been communicated.

The arbitrator's decision, to be held valid, must be pronounced within six months, counting from the date upon which the term allowed for the answers to the allegations shall have expired, whether the same shall or shall not have been presented.

The arbitrator may delegate his powers, provided that he does not fail to intervene directly in the pronouncement of the final decision.

(6) If the arbitrator's award should determine that the treaty is valid, the same award shall also declare whether Costa Rica has the right of navigation of the river San Juan with vessels of war or of the revenue service. In the same manner he shall decide, in case of the validity of the treaty, upon all the other points of doubtful interpretation which either of the parties may find in the treaty, and shall communicate to the other party within thirty days after the exchange of the ratifications of the present convention.

(7) The decision of the arbitrator, whichever it may be, shall be held as a perfect treaty and binding between the contracting parties. No recourse whatever shall be admitted, and it shall begin to have effect thirty days after it shall have been notified to both Governments or to their representatives.

(8) If the invalidity of the treaty should be declared, both Governments, within one year, counting from the notification of the award of the arbitrator, shall come to an agreement to fix the dividing line between their respective territories. If that agreement should not be possible, they shall, in the following year, enter into a convention to submit the question of boundaries between the two Republics to the decision of a friendly Government.

From the time the treaty shall be declared null, and during the time there may be no agreement between the parties, or no decision given fixing definitely the rights of both countries, the rights established by the treaty of the 15th of April, 1858, shall be provisionally respected.

(9) As long as the question as to the validity of the treaty is not decided, the Government of Costa Rica consents to suspend the observance of the decree of the 16th of March last as regards the navigation of the river San Juan by a national vessel.

(10) In case the award of the arbitrators should decide that the treaty of limits is valid, the contracting Govern-

ments, within ninety days following that upon which they may be notified of the decision, shall appoint four commissioners, two each, who shall make the corresponding measurements of the dividing line, as provided for by Article 2 of the referred to treaty of 15th April, 1858.

These measurements and the corresponding landmarks shall be made within thirty months, counting from the day upon which the commissioners shall be appointed. The commissioners shall have the power to deviate the distance of one mile from the line fixed by the treaty, for the purpose of finding natural limits or others more distinguishable. But this deviation shall be made only when all of the commissioners shall have agreed upon the point or points that are to substitute the line.

(11) This treaty shall be submitted to the approval of the Executive and Congress of each of the contracting Republics, and their ratifications shall be exchanged at Managua or San José de Costa Rica on the 30th of June next, or sooner if possible.

In testimony of which the plenipotentiaries and the minister of foreign affairs of Guatemala have hereunto signed and sealed with their private seals, in the city of Guatemala, this 24th day of December, 1886.

ASCENSION ESQUIVEL.
J. ANTONIO ROMÁN.
FERNANDO CRUZ.

Annex 5

Nicaragua Department of Foreign Relations, “Points Which, According to the Government of Nicaragua are Doubtful and Require Interpretation”

Source: P Pérez Zeledón, *Argument on the Question of the Validity of the Treaty of Limits between Costa Rica and Nicaragua* (Washington, D.C., Gibson Bros, 1887), pp. 9-11

22 June 1887

ARGUMENT

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SUBMITTED TO THE

Arbitration of the President of the United States of America,

FILED ON BEHALF OF THE GOVERNMENT OF COSTA RICA

BY

PEDRO PÉREZ ZELEDÓN,

ITS ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
IN THE UNITED STATES.

(TRANSLATED INTO ENGLISH BY J. L. RODRIGUEZ.)

WASHINGTON:
GIBSON BROS., PRINTERS AND BOOKBINDERS.
1887.

POINTS WHICH, ACCORDING TO THE GOVERNMENT OF NICARAGUA,
ARE DOUBTFUL AND REQUIRE INTERPRETATION.

DEPARTMENT OF
FOREIGN RELATIONS OF NICARAGUA,
MANAGUA, *June 22, 1887.*

SIR: By order of the President and in pursuance of Article VI of the Convention of Arbitration, concluded at Guatemala, between Costa Rica and Nicaragua, I have the honor to communicate to the Government of Your Excellency the points of doubtful interpretation found in the treaty of April 15, 1858, which, in the event foreseen by that Article, this Government proposes to submit to the decision of the arbitrator.

FIRST.

1. Punta de Castilla point having been designated as the beginning of the border line on the Atlantic side, and finding itself, according to the same treaty, at the mouth of the San Juan river; now that the mouth of the river has been changed, from where shall the boundary start?

2. How shall the central point of the Salinas Bay, which is the other end of the dividing line, be fixed?

3. Whether by that central point we are to understand the centre of the figure; and, as it is necessary for its determination to fix the limit of the Bay towards the ocean, what shall that limit be?

SECOND.

4. Nicaragua consented, by Article IV, that the Bay of San Juan, which always exclusively belonged to her and over which she exercised exclusive jurisdiction, should be

common to both Republics; and by Article VI she consented, also, that Costa Rica should have, in the waters of the river, from its mouth on the Atlantic up to three English miles before reaching Castillo Viejo, the perpetual right of free navigation for purposes of commerce. Is Costa Rica bound to concur with Nicaragua in the expense necessary to prevent the Bay from being obstructed, to keep the navigation of the river and port free and unembarrassed, and to improve it for the common benefit? If so,

5. In what proportion must Costa Rica contribute? In case she has to contribute nothing—

6. Can Costa Rica prevent Nicaragua from executing, at her own expense, the works of improvement? Or, shall she have any right to demand indemnification for the places belonging to her on the right bank, which may be necessary to occupy, or for the lands on the same bank which may be flooded or damaged in any other way in consequence of the said works?

THIRD.

7. If, in view of Article V of the treaty, the branch of the San Juan river known as the Colorado river must be considered as the limit between Nicaragua and Costa Rica, from its origin to its mouth on the Atlantic?

FOURTH.

8. 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?

FIFTH.

9. The eminent domain over the San Juan river from its origin in the Lake and down to its mouth on the Atlantic,

belonging to Nicaragua according to the text of the treaty, can Costa Rica reasonably deny her the right of deviating those waters ?

SIXTH.

10. If, considering that the reasons of the stipulation contained in Article VIII of the treaty have disappeared, does Nicaragua, nevertheless, remain bound not to make any grants for canal purposes across her territory without first asking the opinion of Costa Rica, as therein provided ? Which are, in this respect, the natural rights of Costa Rica alluded to by this stipulation, and in what cases must they be deemed injured ?

SEVENTH.

11. Whether the treaty of April 15, 1858, gives Costa Rica any right to be a party to the grants of inter-oceanic canal which Nicaragua may make, or to share the profits that Nicaragua should reserve for herself as sovereign of the territory and waters, and in compensation of the valuable favors and privileges she may have conceded ?

In transmitting the above to Your Excellency, and requesting Your Excellency to acknowledge the receipt thereof, it is pleasing to me to reiterate the assurances of my respect and consideration.

FERNANDO GUZMAN.

To His Excellency THE MINISTER OF FOREIGN RELATIONS of
the Government of Costa Rica.

Annex 6

Minister of Foreign Affairs of Costa Rica, Lorenzo Montufar, to the Minister of Foreign Affairs of Nicaragua, Tomás Ayón, Remarks made by the Government of Costa Rica to the Government of Nicaragua when the latter submitted to the Nicaraguan Congress its “Points of Doubtful Interpretation”

Source: P Pérez Zeledón, *Argument on the Question of the Validity of the Treaty of Limits between Costa Rica and Nicaragua* (Washington, D.C., Gibson Bros, 1887), pp. 274-278

1 February 1870

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

BY

PEDRO PÉREZ ZELEDÓN,

ITS ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY
IN THE UNITED STATES.

(TRANSLATED INTO ENGLISH BY J. L. RODRIGUEZ.)

WASHINGTON:
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1887.

No. 56.

Remarks made by the Government of Costa Rica to the Government of Nicaragua when the latter submitted to the Nicaraguan Congress its so-called doubts in regard to the validity of the treaty of limits of 1858.

[SEAL].

SAN JOSÉ, *February 1st, 1870.*

SIR: I have read with deep sorrow that part of the message addressed by Your Excellency to the Nicaraguan Congress, wherein the treaty of limits between Costa Rica and Nicaragua of April 15, 1858, is discussed.

That passage of Your Excellency's message reads literally as follows:

"Article II of the Constitution of November 12, 1838, which was the one in force at the time in which the treaty of limits was adjusted, declared that the territory of the State of Nicaragua was exactly the same as the territory which the Province of Nicaragua had been. This Province, before the independence, embraced the whole territory of Guanacaste.

"Article 194 provided that, for the amendment of or addition to any article of the Constitution, it should be required among other formalities that the said amendment or addition should be approved by the two-third vote of the Senators and Members present, and that, after securing this vote, neither the amendment nor the addition should be considered as forming a part of the Constitution, as all laws on limits are, until sanctioned by the next Legislature."

"The same formalities are established for similar cases by Article 103 of the present Constitution."

"The treaty of limits, in which Nicaragua, abrogating Article II of her Constitution, generously ceded to Costa Rica a large portion of territory, which she has possessed quietly, both before and after the independence, required for

its validity to have been sanctioned by the next Legislature. It was approved by the Assembly of 1858; but that was not enough. It ought to have been approved, also, by the Congress of 1859, because the two Legislatures were considered by the Constitution as if they were two co-ordinate legislative bodies, the approval by the first being only of initiative character and lacking legal force without the approval of the second, exactly in the same way as the action of one Chamber in the enactment of a law means nothing if the other Chamber does not act accordingly."

"The said formality having been omitted, the treaty of limits lacks legal force, and therefore Costa Rica has no right to demand its execution, because, according to the principles of the law of nations, treaties are void and inoperative through the omission of any requisite which, according to the Constitution of the State, was necessary for its consummation."

"The Government of Costa Rica has acknowledged that this is the condition in which the above said treaty finds itself, because in Article VI of a convention made on the 12th of July, 1869, between the Plenipotentiaries Don Mariano Montealegre and Don A. Jimenez, about the cession of the waters of the Colorado river for the purpose that they should be thrown into the San Juan, a convention of which, in due time, I gave you the proper information, it asked Nicaragua to ratify the treaty of limits with Costa Rica, and to agree to submit to the arbitration of the Government of the United States of North America all questions arising out, either of the said treaty, or of the execution of the convention just spoken of."

"Costa Rica, in asking Nicaragua to ratify the treaty of limits in which the latter State ceded to the former a large extent of its territory as preliminary for allowing the waters of the Colorado river to be thrown into the San Juan, looked as if pretending that Nicaragua first should give it the whole thing, and subsequently take back a portion of it. It is useless to repeat here the obvious reasons which you had in view for rejecting the convention."

“ In order to avoid perplexities in the course of this business, the Executive requests your Honorable Body to define well the rights of the Republic in the matter of limits with Costa Rica before undertaking works or devising plans for the improvement of its ways of communication on the northern side.”

This grave subject being now under discussion in the Chambers of your Republic, I think it my duty to present to Your Excellency some remarks, and request that, if deemed proper, they be transmitted to the Congress of Nicaragua for their consideration.

The Constitution of your Republic, promulgated on the 12th of November, 1838, as Your Excellency yourself recognizes, did not say anywhere that the territory of Guanacaste was part of Nicaragua. It confined itself to indicate that the territory of the State was the same as belonged to it when a Province.

In reference to this I must state that Guanacaste, in the time of the Spanish Government, always was under the immediate jurisdiction and control of Cartago; and that the Spanish Cortes, when they promulgated the Constitution of 1812, decided that Guanacaste should be incorporated in Costa Rica for the purposes of electing deputies both for the Cortes and for the provincial deputation or assembly.

I must say further, that according to the charter of the Colony of Costa Rica, the King of Spain appointed Don Diego Artieda y Chirinos to be the first Governor and Captain-General of this Province, marking as limit for the same the San Juan river on the Atlantic.

But there are other conclusive reasons founded upon documents of subsequent date in support of the treaty of limits.

It was approved by the Government of Costa Rica and Nicaragua.

It was ratified by the Congresses of Costa Rica and Nicaragua.

The ratifications of the treaty were duly exchanged, and

the treaty was promulgated in both Republics as the law of the land in regard to limits.

Thirteen years have elapsed since that publication, and all the Legislatures which have met during that period have looked at that treaty as the basis of the relations between both countries.

The Legislature of Nicaragua approved the treaty of peace and amity concluded on the 30th of July, 1868, taking for granted that the limits between both Republics were settled.

The present Constitution of Nicaragua, subsequent in date to the treaty, says, in its Article I, that the laws on limits make a part of the Constitution.

The treaty herein referred to is a Nicaraguan law on limits, and a law of the highest importance. Therefore it is an integral part of the Constitution of Nicaragua, according to its own literal language.

Under these circumstances, the august Chambers of your Republic would need, before declaring the treaty of limits to be invalid, to be invested with all the power which Your Excellency says to be indispensable to amend the Constitution of your country, in addition to all other circumstances prescribed by international law to invalidate a treaty signed, approved, ratified, exchanged, promulgated, and executed during 13 years.

Your Excellency refers to a project of Convention celebrated on the 21st of July, 1869, between the Plenipotentiaries Don Agapito Jimenez and Don Mariano Montealegre.

Article VI of the said project alluded to by Your Excellency says: "The Government of Nicaragua ratifies by this convention the treaties which it has celebrated in regard to limits with the Government of Costa Rica."

I do not understand what was the reason why the Costa Rican Plenipotentiary acceded to subscribe to such an article, included in a project which was relative to a matter entirely independent of all question of limits; but I under-

stand very well that the said article does not prove at all that the treaty of limits is not valid.

Señor Montealegre, Plenipotentiary of Nicaragua, came to suggest that Costa Rica should allow the waters of the Colorado river to be carried into the San Juan.

He recognized the validity of the treaty of limits, and requested that the waters of the Colorado river be granted to his country, and the request was granted by the Costa Rican Plenipotentiary, who assented, furthermore, to the enactment of Article VI above copied.

But the said project of convention, including its Article VI, was not ratified by the Congress of this Republic; and, therefore, it has no more force and strength than if it were simply blank paper.

To have some right to argue against Costa Rica on the ground of the said convention, it would be necessary for the convention to have become a law, which never happened.

Now, by virtue of the discretionary faculties vested in the President, His Excellency has the power to ratify public treaties; but His Excellency has not only refused to ratify the convention referred to, but has been pleased besides to decree that it is invalid and void.

Be pleased to accept the consideration with which I have the honor to assure Your Excellency that I am your most attentive servant,

MONTUFAR.

To His Excellency THE MINISTER OF FOREIGN RELATIONS of
Nicaragua.

Annex 7

Award of the Arbitrator, the President of the United States, upon the validity of the Treaty of Limits of 1858 between Nicaragua and Costa Rica (Cleveland Award), Umpire EP Alexander in the boundary question between Costa Rica and Nicaragua, reprinted United Nations, *Reports of International Arbitral Awards*, Vol. XXVIII, (2006) pp. 207-211

Washington, D.C.,

22 March 1888

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**Award in regard to the validity of the Treaty of Limits between Costa Rica and
Nicaragua of 15 July 1858**

Decisions of 22 March 1888
30 September 1897
20 December 1897
22 March 1898
26 July 1899

VOLUME XXVIII pp. 189-236

AWARD OF THE PRESIDENT OF THE UNITED STATES IN REGARD
TO THE VALIDITY OF THE TREATY OF LIMITS BETWEEN COSTA
RICA AND NICARAGUA OF 15 JULY 1858, DECISION OF 22
MARCH 1888*

SENTENCE ARBITRALE DU PRÉSIDENT DES ÉTATS-UNIS
RELATIVE À LA VALIDITÉ DU TRAITÉ DE LIMITES ENTRE LE
COSTA RICA ET LE NICARAGUA DU 15 JUILLET 1858, DÉCISION
DU 22 MARS 1888**

Validity of treaty of delimitation – unconstitutionality of ratification process – statement in the Constitution of Nicaragua that the boundary is on the Southeast, the Costa Rica State, is not precise enough preclude further frontier delimitation – defects in ratification process – irregularities and defects in the formalities of ratification may be remedied by subsequent acquiescence in and approval of the treaty – the fact of approval being established, the time of approval is immaterial, provided the other party by its acquiescence has seen fit to waive the delay – acquiescence during several years in the validity of the treaty is a strong evidence of the contemporaneous exposition which has ever been thought valuable as a guide in determining doubtful questions of interpretation, even if such acquiescence is not a substitute for ratification by a Legislature – Nicaragua cannot seek to invalidate the treaty on any mere ground of irregularity in the order of its own proceedings.

Validity of treaty – treaty between two States which provides for a third State as a guarantor is not a tripartite treaty but a bilateral one with an independent and separable clause of guarantee as a feature of the arrangement – the lack of ratification by the guarantor does not preclude the validity of the treaty – in international law a guarantee is always subsidiary to the principal contract – acquiescence – failure of Government of Nicaragua to object prior to the ratification, resulted in waiver of the objection – facts which existed and were known at the time of the treaty ratification cannot be accepted as reasons for rescinding the treaty.

Boundary delimitation – interpretation of a treaty – rights of navigation on the River San Juan*** – Costa Rica has no right of navigation with vessels of war in the River San Juan, which belongs to Nicaragua – it has the right of navigation with vessels of the Revenue service for the sole purpose of commerce – Costa Rica is not bound to contribute financially to any work for the preservation and the improvement of the navigation of the river – Costa Rica may not prevent Nicaragua from undertaking work for the improvement of the River San Juan, provided that such work does not damage Costa Rican territory – Right to indemnification for transboundary harm or interference with right to navigation – Costa Rica can deny to Nicaragua the right of deviating the waters of River San Juan in case such deviation will result in the destruction or serious

* Reprinted from John Basset Moore, *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol. II, Washington, 1898, Government Printing Office, p. 1946.

** Reproduit de John Basset Moore, *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol. II, Washington, 1898, Government Printing Office, p. 1946.

*** Secretariat note: The territorial dispute between Costa Rica and Nicaragua remains a current issue as a case is pending in 2006 in front of the International Court of Justice, namely "Dispute regarding navigational and related rights". It has been submitted by Costa Rica on 29 September 2005 with regard to the infringement of its rights on the San Juan River, and in its application Costa Rica made due reference to the arbitral award of 22 March 1888.

to do so. It had a perfect right to waive this limitation of time. Either party to a Treaty may extend the time of the other, either by express agreement or by acts indicating acquiescence. Nicaragua cannot be permitted to say, as she does in effect say in this branch of her argument — "it is true that this Treaty was approved unreservedly by both the executive and legislative branches of the Government; but such approval is worthless, as it was expressed not forty but forty-three days after the signature of the Treaty."

The *fact* of approval being established, the *time* of approval is immaterial, provided the other party by its acquiescence has seen fit to waive delay.

I conclude therefore that the *third* ground of objection stated by Nicaragua is untenable.

And having examined in detail the three reasons urged by Nicaragua for holding the Treaty invalid, and finding all these reasons untenable, I conclude that the Arbitrator should decide in favor of the validity of this Treaty.

The Award

Grover Cleveland, President of the United States, to whom it shall concern, Greeting:

The functions of Arbitrator having been conferred upon the President of the United States by virtue of a Treaty signed at the City of Guatemala on the 24th day of December one thousand eight hundred and eighty-six, between the Republics of Costa Rica and Nicaragua, whereby it was agreed that the question pending between the contracting Governments in regard to the validity of their Treaty of Limits of the 15th day of April one thousand eight hundred and fifty-eight, should be submitted to the arbitration of the President of the United States of America, that if the Arbitrator's award should determine that the Treaty was valid, the same award should also declare whether Costa Rica has the right of navigation of the River San Juan with vessels of war or of the revenue service; and that in the same manner the Arbitrator should decide, in case of the validity of the Treaty, upon all the other points of doubtful interpretation which either of the parties might find in the Treaty and should communicate to the other party within thirty days after the exchange of the ratifications of the said Treaty of the 24th day of December one thousand eight hundred and eighty six;

And the Republic of Nicaragua having duly communicated to the Republic of Costa Rica eleven points of doubtful interpretation found in the said Treaty of Limits of the 15th day of April one thousand eight hundred and fifty-eight; and the Republic of Costa Rica having failed to communicate to the Republic of Nicaragua any points of doubtful interpretation found in the said last-mentioned Treaty;

And both parties having duly presented their allegations and documents to the Arbitrator, and having thereafter duly presented their respective answers

to the allegations of the other party as provided in the Treaty of the 24th day of December one thousand eight hundred and eighty-six;

And the Arbitrator pursuant to the fifth clause of said last-named Treaty having delegated his powers to the Honorable George L. Rives, Assistant Secretary of State, who, after examining and considering the said allegations, documents and answers, has made his report in writing thereon to the Arbitrator;

Now therefore I, Grover Cleveland, President of the United States of America, do hereby make the following decision and award:

First. The above-mentioned Treaty of Limits signed on the 15th day of April one thousand eight hundred and fifty-eight, is valid.

Second. The Republic of Costa Rica under said Treaty and the stipulations contained in the sixth article thereof, has not the right of navigation of the River San Juan with vessels of war; but she may navigate said river with such vessels of the Revenue Service as may be related to and connected with her enjoyment of the 'purposes of commerce' accorded to her in said article, or as may be necessary to the protection of said enjoyment.

Third. With respect to the points of doubtful interpretation communicated as aforesaid by the Republic of Nicaragua, I decide as follows:

1. The boundary line between the Republics of Costa Rica and Nicaragua, on the Atlantic side, begins at the extremity of Punta de Castilla at the mouth of the San Juan de Nicaragua River, as they both existed on the 15th day of April 1858. The ownership of any accretion to said Punta de Castilla is to be governed by the laws applicable to that subject.

2. The central point of the Salinas Bay is to be fixed by drawing a straight line across the mouth of the Bay and determining mathematically the centre of the closed geometrical figure formed by such straight line and the shore of the Bay at low-water mark.

3. By the central point of Salinas Bay is to be understood the centre of the geometrical figure formed as above stated. The limit of the Bay towards the ocean is a straight line drawn from the extremity of Punta Arranca Barba, nearly true South to the Westernmost portion of the land about Punta Sacate.

4. The Republic of Costa Rica is not bound to concur with the Republic of Nicaragua in the expenses necessary to prevent the Bay of San Juan del Norte from being obstructed, to keep the navigation of the River or Port free and unembarrassed, or to improve it for the common benefit.

5. The Republic of Costa Rica is not bound to contribute any proportion of the expenses that may be incurred by the Republic of Nicaragua for any of the purposes above mentioned.

6. The Republic of Costa Rica cannot prevent the Republic of Nicaragua from executing at her own expense and within her own territory such works of improvement, *provided* such works of improvement do not result in the occupation or flooding or damage of Costa Rica territory, or in the destruction or serious impairment of the navigation of the said River or any of its branches at any point where Costa Rica is entitled to navigate the same. The Republic of Costa Rica has the right to demand indemnification for any places belonging to her on the right bank of the River San Juan which may be occupied without her consent, and for any lands on the same bank which may be flooded or damaged in any other way in consequence of works of improvement.

7. The branch of the River San Juan known as the Colorado River must not be considered as the boundary between the Republics of Costa Rica and Nicaragua in any part of its course.

8. The right of the Republic of Costa Rica to the navigation of the River San Juan with men-of-war or revenue cutters is determined and defined in the Second Article of this award.

9. The Republic of Costa Rica can deny to the Republic of Nicaragua the right of deviating the waters of the River San Juan in case such deviation will result in the destruction or serious impairment of the navigation of the said River or any of its branches at any point where Costa Rica is entitled to navigate the same.

10. The Republic of Nicaragua remains bound not to make any grants for canal purposes across her territory without first asking the opinion of the Republic of Costa Rica, as provided in Article VIII of the Treaty of Limits of the 15th day of April one thousand eight hundred and fifty-eight. The natural rights of the Republic of Costa Rica alluded to in the said stipulation are the rights which, in view of the boundaries fixed by the said Treaty of Limits, she possesses in the soil thereby recognized as belonging exclusively to her; the rights which she possesses in the harbors of San Juan del Norte and Salinas Bay; and the rights which she possesses in so much of the River San Juan as lies more than three English miles below Castillo Viejo, measuring from the exterior fortifications of the said castle as the same existed in the year 1858; and perhaps other rights not here particularly specified. These rights are to be deemed injured in any case where the territory belonging to the Republic of Costa Rica is occupied or flooded; where there is an encroachment upon either of the said harbors injurious to Costa Rica; or where there is such an obstruction or deviation of the River San Juan as to destroy or seriously impair the navigation of the said River or any of its branches at any point where Costa Rica is entitled to navigate the same.

11. The Treaty of Limits of the 15th day of April one thousand eight hundred and fifty-eight does not give to the Republic of Costa Rica the right to be a party to grants which Nicaragua may make for inter-oceanic canals; though in cases where the construction of the canal will involve an injury to

the natural rights of Costa Rica, her opinion or advice, as mentioned in Article VIII of the Treaty, should be more than "advisory" or "consultative." It would seem in such cases that her consent is necessary, and that she may thereupon demand compensation for the concessions she is asked to make; but she is not entitled as a right to share in the profits that the Republic of Nicaragua may reserve for herself as a compensation for such favors and privileges as she, in her turn, may concede.

In testimony whereof, I have hereunto set my hand and have caused the Seal of the United States to be hereunto affixed.

[SEAL.] Done in duplicate at the City of Washington, on the twenty-second day of March, in the year one thousand eight hundred and eighty-eight, and of the Independence of the United States the one hundred and twelfth.

GROVER CLEVELAND.

By the President:
T. F. BAYARD,
Secretary of State.

**Convention on border demarcation concluded between
the Republic of Costa Rica and the Republic of Nicaragua
signed at El Salvador on 27 March 1896***

The Presidents of Costa Rica and Nicaragua, having accepted the mediation of the Government of El Salvador in resolving the issue of demarcating the border between their two countries, have respectively designated as their extraordinary and plenipotentiary envoys, their Excellencies, Mr. Leonidas Pacheco and Mr. Manuel C. Matus. Following various meetings held in the presence of His Excellency, Mr. Jacinto Castellanos, Minister for Foreign Affairs of El Salvador, specially mandated representative of that Government, and their full powers having been found to be in good and proper form, the envoys have signed the following Convention. His Excellency, General Rafael A. Gutiérrez, President of the Republic of El Salvador, attended the signing ceremony to confer greater solemnity to the event.

ARTICLE I — The Contracting Governments are bound to appoint a Commission, respectively, each composed of two engineers, or surveyors, for the purpose of duly defining and marking out the dividing line between the Republics of Costa Rica and Nicaragua according to the stipulations of the

* Original Spanish version, translation by the Secretariat of the United Nations.

Annex 8

Costa Rica-Nicaragua Delimitation Convention (Pacheco-Matus)

Reprinted in United Nations, *Reports of International Arbitral Awards*, Vol.
XXVIII, (2006) pp. 211-213

San Salvador,

27 March 1896

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ARTICLE I. — The Contracting Governments are bound to appoint a Commission, respectively, each composed of two engineers, or surveyors, for the purpose of duly defining and marking out the dividing line between the Republics of Costa Rica and Nicaragua according to the stipulations of the

* Original Spanish version, translation by the Secretariat of the United Nations.

Treaty of 15 April 1858 and the award of the President of the United States of America, Mr. Grover Cleveland.

ARTICLE II. The Commissions established under article I shall include an engineer appointed by the President of the United States of America at the request of the two Parties, whose mandate shall include the following: to resolve any dispute between the Commissions of Costa Rica and Nicaragua arising from the operations. He shall have broad powers to decide whatever kind of differences may arise in the course of any operations and his ruling shall be final.

ARTICLE III. — Within three months of the signing of this Convention, which shall be duly ratified by the respective Congresses, the Representatives of both Contracting Governments in Washington shall jointly request the President of the United States of America to appoint the aforementioned engineer and confirm such appointment. Should such joint request fail to be made by the Representative in Washington of either Government or for any other reason within the stipulated time limit, upon expiration of such time limit, the Representatives of either Costa Rica or Nicaragua in Washington may separately make such request, which shall be as valid as if it had been made jointly by both Parties.

ARTICLE IV. — Upon confirmation of the appointment of the United States engineer and within three months of such appointment, the engineer shall proceed with demarcations of the border line and such operation shall be completed within 20 months of its starting date. The Commissions of the Contracting Parties shall meet in San Juan del Norte as agreed and shall begin their work at the extremity of the border starting from the Atlantic coast, as provided for by the aforementioned Treaty and award.

ARTICLE V. — The Contracting Parties agree that if, on the scheduled start date of the work, either one of the Commissions of the Republics of Costa Rica or Nicaragua failed for any reason to appear at the designated venue, the Commission of the other Republic present shall begin the work with the agreement of the United States Government engineer and such work as shall have been done shall be valid and definitive and shall not be open to appeal by the Republic that failed to send its Commissioners. The same shall apply should any or all the Commissioners of either Contracting Republic be absent once the work starts or refuse to carry out such operations as provided for in the award and Treaty referred to herein or as decided by the engineer appointed by the President of the United States.

ARTICLE VI. — The Contracting Parties agree that the deadline for the completion of the boundary marking is not mandatory so that any operations carried out upon the expiration thereof shall be valid either because such operations could not have been completed within the deadline or because the commissioners of Costa Rica and Nicaragua have agreed together with the United States Government engineer to temporarily suspended such operations

so that the time remaining would not allow for the completion of the operations.

ARTICLE VII. — Should the demarcation work be temporarily suspended, such work as has been completed until then shall be considered final and completed, with the borders being fixed at that particular location even where such suspension were to be extended indefinitely as a result of unforeseen and insuperable circumstances.

ARTICLE VIII. — The records of the operations shall be in triplicate and shall be duly signed and sealed by the commissioners and shall constitute the definitive demarcation document of the borders of the Republics with no approval or any other formality being required on the part of the signatory Republics.

ARTICLE IX. — The records to which reference is made in the foregoing article shall be prepared as follows: every day, at the end of operations, such operations as are completed shall be documented in a detailed manner, including the starting point of the operations of the day, the types of survey markers constructed, the distances separating them, the direction of the line as based on the common boundary. Any dispute arising between the Commissions of Costa Rica and Nicaragua with respect to any particular point shall be documented in the relevant record along with the ruling of the United States engineer. The records shall be in triplicate: the Commissions of Costa Rica and Nicaragua shall each keep a copy and the third copy shall be kept by the United States engineer to be deposited upon completion of the operations with the Department of State in Washington.

ARTICLE X. — The expenses relating to the travel and subsistence of the United States engineer as well as to the salary payable during his functions shall be defrayed equally by the signatory Republics.

ARTICLE XI. — The Contracting Parties undertake to cause this Convention to be ratified by their respective Congresses within six months starting from this date, even if such ratification were to require convening extraordinary sessions of the said Congresses, and the subsequent exchange shall take place within a month following the date of the last such ratification, at San José de Costa Rica or at Managua.

ARTICLE XII. — Failure to complete the acts to which reference is made earlier within the deadlines stipulated shall not render this Convention void and the Republic which failed to complete such act shall endeavour to do so as soon as possible.

In witness whereof, the parties have signed and sealed this Convention in duplicate, at the City of San Salvador on the twenty-seventh of March eighteen hundred and ninety-six.¹

¹ *Memoria de Relaciones Exteriores* (Costa Rica), 1897, p. 28.

Annex 9

First Award of the Umpire EP Alexander in the boundary question between Costa Rica and Nicaragua, reprinted United Nations, *Reports of International Arbitral Awards*, Vol. XXVIII (2007) , pp. 215-221,

San Juan del Norte,

30 September 1897

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**First award under the Convention between Costa Rica and Nicaragua of 8 April 1896
for the demarcation of the boundary between the two Republics**

30 September 1897

VOLUME XXVIII pp. 215-222

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FIRST AWARD OF THE ENGINEER-UMPIRE, UNDER THE CONVENTION BETWEEN COSTA RICA AND NICARAGUA OF 8 APRIL 1896 FOR THE DEMARCATION OF THE BOUNDARY BETWEEN THE TWO REPUBLICS, DECISION OF 30 SEPTEMBER 1897*

PREMIÈRE SENTENCE ARBITRALE RENDUE PAR LE SURARBITRE INGÉNIEUR, EN VERTU DE LA CONVENTION ENTRE LE COSTA RICA ET LE NICARAGUA DU 8 AVRIL 1896 POUR LA DÉMARCATIION DE LA FRONTIÈRE ENTRE LES DEUX RÉPUBLIQUES, DÉCISION DU 30 SEPTEMBRE 1897**

Interpretation of treaty – treaty must be interpreted in the way in which it was mutually understood at the time by its makers – meaning understood from the language taken as a whole and not deduced from isolated words or sentences – the non use of some names may be as significant as the use of others – Treaty of limits of 15 April 1858.

Delimitation of boundary – a temporary connection between an island and mainland during the dry season may not change permanently the geographical character and political ownership of the island – the river being treated and regarded as an outlet of commerce in the Treaty; it has to be considered when it is navigable, with an average water level.

Interprétation des traités – un traité doit être interprété conformément à la conception mutuelle de ses auteurs au moment de son élaboration – le sens doit être dégagé du texte pris dans sa globalité et non déduit de termes ou de phrases isolés – le non emploi de certains noms propres peut être aussi significatif que l'emploi de certains autres.

Délimitation frontalière – une liaison temporaire pendant la saison sèche entre une île et le continent ne peut pas changer de façon permanente le caractère géographique et la possession politique de cette île – dans le traité, le fleuve étant désigné et envisagé comme une infrastructure commerciale, il doit être pris en compte lorsqu'il est navigable, c'est à dire avec un niveau d'eau moyen.

* * * * *

* Reprinted from John Basset Moore, *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol. V, Washington 1898, Government Printing Office, p.5074.

** Reproduit de John Basset Moore, *History and Digest of the International Arbitrations to Which the United States has been a Party*, vol. V, Washington, 1898, Government Printing Office, p. 5074.

SAN JUAN DEL NORTE, NICARAGUA,

September 30, 1897.

To the Commissions of Limits of Costa Rica and Nicaragua.

GENTLEMEN: In pursuance of the duties assigned me by my commission as engineer-arbitrator to your two bodies, with the power to decide finally any points of difference that may arise in tracing and marking out the boundary line between the two republics, I have given careful study and consideration to all arguments, counter arguments, maps, and documents submitted to me in the matter of the proper location of the initial point of the said boundary line upon the Caribbean coast.

The conclusion at which I have arrived and the award I am about to make do not accord with the views of either commission. So, in deference to the very excellent and earnest arguments so faithfully and loyally urged by each commission for its respective side, I will indicate briefly my line of thought and the considerations which have seemed to me to be paramount in determining the question; and of these considerations the principal and the controlling one is that we are to interpret and give effect to the treaty of April 15, 1858, in the way *in which it was mutually understood at the time by its makers.*

Each commission has presented an elaborate and well-argued contention that the language of that treaty is consistent with its claim for a location of the initial point of the boundary line at a place which would give to its country great advantages. These points are over six miles apart, and are indicated on the map accompanying this award.

The Costa Rican claim is located on the left-hand shore or west headland of the harbor; the Nicaraguan on the east headland of the mouth of the Taura branch.

Without attempting to reply in detail to every argument advanced by either side in support of its respective claim, all will be met and sufficiently answered by showing that those who made the treaty mutually understood and had in view another point, to wit, the eastern headland at the mouth of the harbor.

It is the meaning of the men who framed the treaty which we are to seek, rather than some possible meaning which can be forced upon isolated words or sentences. And this meaning of the men seems to me abundantly plain and obvious.

This treaty was not made hastily or carelessly. Each state had born wrought up by years of fruitless negotiations to a state of readiness for war in defense of what it considered its rights, as is set forth in article 1. In fact, war had actually been declared by Nicaragua on November 25, 1857, when, through the mediation of the Republic of Salvador, a final effort to avert it

was made, another convention was held, and this treaty resulted. Now, we may arrive at the mutual understanding finally reached by its framers by first seeking in the treaty as a whole for the general idea or scheme of compromise upon which they were able to agree. Next, we must see that this general idea of the treaty as a whole harmonizes fully with any description of the line given in detail, and the proper names of all the localities used, or *not used*, in connection therewith, for the *non use* of some names may be as significant as the use of others. Now, from the general consideration of the treaty as a whole the scheme of compromise stands out clear and simple.

Costa Rica was to have as a boundary line the right or southeast bank of the river, considered as an outlet for commerce, from a point 3 miles below Castillo to the sea.

Nicaragua was to have her prized “*sumo imperio*” of all the waters of this same outlet for commerce, also unbroken to the sea.

It is to be noted that this division implied also, of course, the ownership by Nicaragua of all islands in the river and of the left or northwest bank and headland.

This division brings the boundary line (supposing it to be traced downward along the right bank from the point near Castillo) across both the Colorado and the Taura branches.

It can not follow either of them, for neither is an outlet for commerce, as neither has a harbor at its mouth.

It must follow the remaining branch, the one called the Lower San Juan, through its harbor and into the sea.

The natural terminus of that line is the right-hand headland of the harbor mouth.

Next let us note the language of description used in the treaty, telling whence the line is to start and how it is to run, leaving out for the moment the proper name applied to the initial point. It is to start “at the mouth of the river San Juan de Nicaragua, and shall continue following the right bank of the said river to a point three English miles from Castillo Viejo”.

This language is evidently carefully considered and precise, and there is but one starting point possible for such a line, and that is at the right headland of the bay.

Lastly, we come to the proper name applied to the starting point, “the extremity of Punta de Castillo”. This name Punta de Castillo does not appear upon a single one of all the original maps of the bay of San Juan which have been presented by either side, and which seem to include all that were ever published before the treaty or since. This is a significant fact, and its meaning is obvious. Punta de Castillo must have been, and must have remained, a point of no importance, political or commercial, otherwise it could not possibly

have so utterly escaped note or mention upon the maps. This agrees entirely with the characteristics of the mainland and the headland on the right of the bay. It remains until today obscure and unoccupied, except by the hut of a fisherman. But the identification of the locality is still further put beyond all question by the incidental mention, in another article of the treaty itself, of the name Punta de Castillo.

In Article V. Costa Rica agrees temporarily to permit Nicaragua to use Costa Rica's side of the harbor without payment of port dues, and the name Punta de Castillo is plainly applied to it. Thus we have, concurring, the general idea of compromise in the treaty as a whole, the literal description of the line in detail, and the verification of the name applied to the initial point by its incidental mention in another portion of the treaty, and by the concurrent testimony of every map maker of every nation, both before the treaty and since, in excluding this name from all other portions of the harbor. This might seem to be sufficient argument upon the subject, but it will present the whole situation in a still clearer light to give a brief explanation of the local geography and of one special peculiarity of this Bay of San Juan.

The great feature in the local geography of this bay, since our earliest accounts of it, has been the existence of an island in its outlet, called on some early maps the island of San Juan. It was an island of such importance as to have been mentioned in 1820 by two distinguished authors, quoted in the Costa Rican reply to Nicaragua's argument (page 12), and it is an island today, and so appears in the map accompanying this award. The peculiarity of this bay, to be noted, is that the river brings down very little water during the annual dry season. When that happens, particularly of late years, sand bars, dry at all ordinary tides, but submerged more or less and broken over by the waves at all high ones, are formed, frequently reaching the adjacent headlands, so that a man might cross dry-shod.

Now, the whole claim of Costa Rica is based upon the assumption that on April 15, 1858, the date of the treaty, a connection existed between the island and the eastern headland, and that this converted the island into mainland, and carried the initial point of the boundary over to the western extremity of the island. To this claim there are at least two replies, either one seeming to me conclusive.

First, the exact state of the bar on that day can not be definitely proven, which would seem to be necessary before drawing important conclusions.

However, as the date was near the end of the dry season, it is most probable that there was such a connection between the island and the eastern Costa Rican shore as has been described. But even if that be true, it would be unreasonable to suppose that such temporary connection could operate to change permanently the geographical character and political ownership of the island. The same principle, if allowed, would give to Costa Rica *every island in the river* to which sand bars from her shore had made out during that dry season. But throughout the treaty the river is treated and regarded as an outlet

of commerce. This implies that it is to be considered as in average condition of water, in which condition alone it is navigable.

But the overwhelming consideration in the matter is that by the use of the name of Punta de Castillo for the starting point, instead of the name Punta Arenas, the makers of the treaty intended to designate the mainland on the east of the harbor. This has already been discussed, but no direct reply was made to the argument of Costa Rica quoting three authors as applying the name Punta de Castillo to the western extremity of the before-mentioned island, the point invariably called Point Arenas by all the naval and other officers, surveyors, and engineers who ever mapped it.

These authors are L. Montufar, a Guatemalan, in 1887; J. D. Gamez, a Nicaraguan, in 1889, and E. G. Squier, an American, date not given exactly, but subsequent to the treaty. Even of these, the last two merely used, once each, the name Punta de Castillo as an alternate for Punta Arenas. Against this array of authority we have, first, an innumerable number of other writers clearly far more entitled to confidence; second, the original makers of all the maps, as before pointed out, and third, the framers of the treaty itself, by their use of Punta de Castillo in Article V.

It must be borne in mind that for some years before the making of this treaty Punta Arenas had been by far the most important and conspicuous point in the bay. On it were located the wharves, workshops, offices, etc., of Vanderbilt's great transit company, conducting the through line from New York to San Francisco during the gold excitement of the early fifties. Here the ocean and river steamers met and exchanged passengers and cargo. This was the point sought to be controlled by Walker and the filibusters.

The village of San Juan cut no figure at all in comparison, and it would doubtless be easy to produce by hundreds references to this point as Punta Arenas by naval and diplomatic officers of all prominent nations, by prominent residents and officials, and by engineers and surveyors constantly investigating the canal problem, and all having a personal knowledge of the locality.

In view of all these circumstances, the jealousy with which each party to the treaty defined what it gave up and what it kept, the prominence and importance of the locality, the concurrence of all the original maps in the name, and its universal notoriety, I find it impossible to conceive that Nicaragua had conceded this extensive and important territory to Costa Rica, and that the latter's representative had failed to have the name Punta Arenas appear anywhere in the treaty. And for reasons so similar that it is unnecessary to repeat them, it is also impossible to conceive that Costa Rica should have accepted the Taura as her boundary and that Nicaragua's representative should have entirely failed to have the name Taura appear anywhere in the treaty.

Having then designated generally the mainland east of Harbor Head as the location of the initial point of the boundary line, it now becomes necessary

to specify more minutely, in order that the said line may be exactly located and permanently marked. The exact location of the initial point is given in President Cleveland's award as the "extremity of Punta de Castillo, at the mouth of the San Juan de Nicaragua River, as they both existed on the 15th of April 1858".

A careful study of all available maps and comparisons between those made before the treaty and those of recent date made by boards of engineers and officers of the canal company, and one of to-day made by yourselves to accompany this award, makes very clear one fact: The exact spot which was the extremity of the headland of Punta de Castillo April 15, 1858, has long been swept over by the Caribbean Sea, and there is too little concurrence in the shore outline of the old maps to permit any certainty of statement of distance or exact direction to it from the present headland. It was somewhere to the northeastward, and probably between 600 and 1,600 feet distant, but it can not now be certainly located. Under these circumstances it best fulfills the demands of the treaty and of President Cleveland's award to adopt what is practically the headland of to-day, or the northwestern extremity of what seems to be the solid land, on the east side of Harbor Head Lagoon.

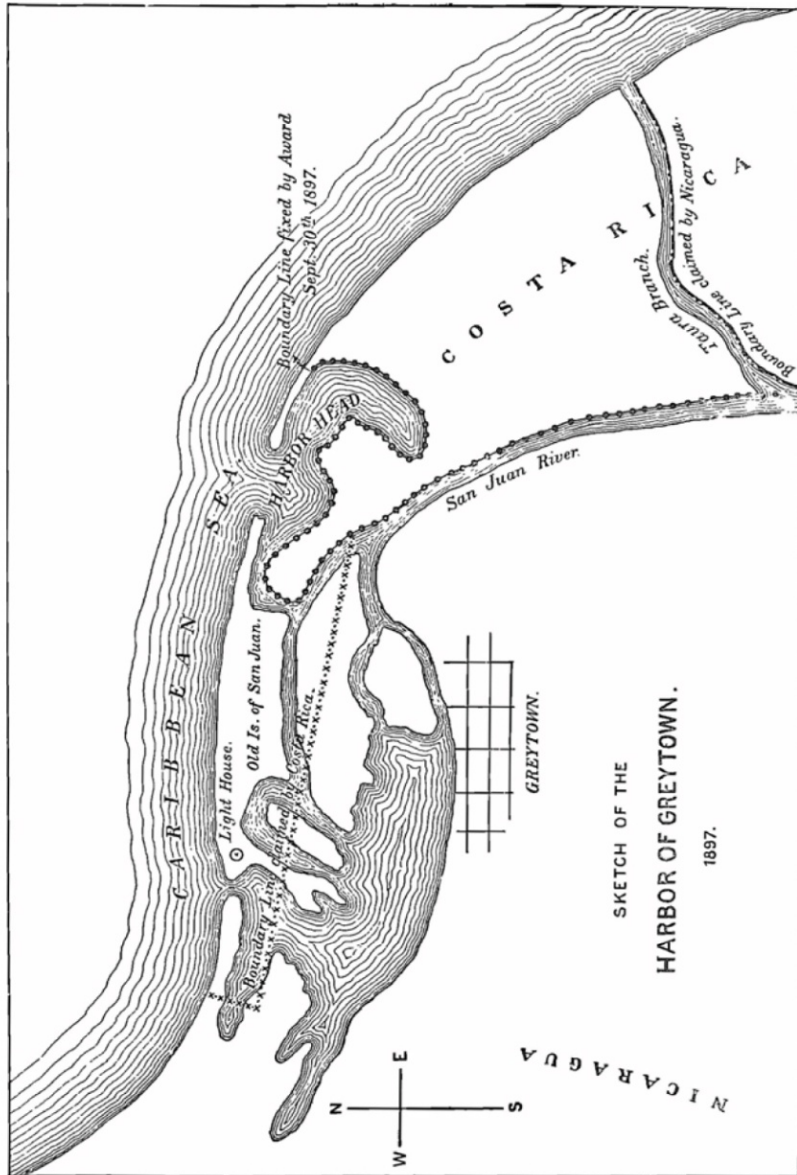
I have accordingly made personal inspection of this ground, and declare the initial line of the boundary to run as follows, to wit:

Its direction shall be due northeast and southwest, across the bank of sand, from the Caribbean Sea into the waters of Harbor Head Lagoon. It shall pass, at its nearest point, 300 feet on the northwest side from the small hut now standing in that vicinity. On reaching the waters of Harbor Head Lagoon the boundary line shall turn to the left, or southeastward, and shall follow the water's edge around the harbor until it reaches the river proper by the first channel met. Up this channel, and up the river proper, the line shall continue to ascend as directed in the treaty.

I am, gentlemen, very respectfully, your obedient servant,

E. P. ALEXANDER.

SKETCH OF THE HARBOR OF GREYTOWN – 1897



Annex 10

Second Award of the Umpire EP Alexander in the boundary question between Costa Rica and Nicaragua, reprinted United Nations, *Reports of International Arbitral Awards*, Vol. XXVIII, (2007) pp. 223-225

San Juan del Norte,

20 December 1897

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**Second award under the Convention between Costa Rica and Nicaragua of 8
April 1896 for the demarcation of the boundary between the two Republics**

20 December 1897

VOLUME XXVIII pp. 223-225

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SECOND AWARD OF THE ENGINEER-UMPIRE, UNDER THE CONVENTION BETWEEN COSTA RICA AND NICARAGUA OF 8 APRIL 1896 FOR THE DEMARCATION OF THE BOUNDARY BETWEEN THE TWO REPUBLICS, DECISION OF 20 DECEMBER 1897*

DEUXIÈME SENTENCE ARBITRALE RENDUE PAR LE SURARBITRE INGÉNIEUR, EN VERTU DE LA CONVENTION ENTRE LE COSTA RICA ET LE NICARAGUA DU 8 AVRIL 1896 POUR LA DÉMARCATIION DE LA FRONTIÈRE ENTRE LES DEUX RÉPUBLIQUES, DÉCISION DU 20 DÉCEMBRE 1897**

Interpretation of treaty of delimitation – during demarcation process, accuracy of the measurement of the border-line is not as important as the finding natural landmarks, provided there is agreement between the two Parties – in case of disagreement, the view of the party favouring greater accuracy must prevail.

International boundary – natural changes of the banks of a river serving as an international boundary – determination of future changes made easier thanks to measurement and demarcation.

Interprétation d'un traité de délimitation – durant la procédure de démarcation, l'exactitude du métrage de la ligne frontière est moins importante que l'établissement de repères naturels, sous réserve de l'accord des deux Parties – en cas de désaccord, la position de la Partie en faveur de la plus grande exactitude doit prévaloir.

Frontière internationale – altérations naturelles des rives d'un fleuve servant de frontière internationale – détermination des modifications futures facilitée par le métrage et la démarcation.

* * * * *

Second award rendered, to San Juan del Norte, on December 20, 1897, in the boundary question between Nicaragua and Costa Rica.***

In pursuance once again of the duties assigned me by my commission as engineer-arbitrator to your two bodies, I have been called upon to decide on the matter submitted to me in the record dated the 7th of this month, as per the following paragraph of that record: "The Costa Rican Commission proposed

* Reprinted from H. La Fontaine, *Pasicrisie Internationale: Histoire Documentaire des Arbitrages Internationaux (1794-1900)*, Imprimerie Stampelli & CIE, Berne, 1902, p.532.

** Reproduit de H. La Fontaine, *Pasicrisie Internationale: Histoire Documentaire des Arbitrages Internationaux (1794-1900)*, Imprimerie Stampelli & CIE, Berne, 1902, p.532.

*** Original Spanish version, translated by the Secretariat of the United Nations.

that we proceed to the measurement of the line that ran from the starting point and continued along the shore of Harbor Head and thence along the shore around the harbor until it reaches the San Juan river proper by the first channel met and thence along the bank of the river to a point three miles below Castillo Viejo and that a map should be made of such line and that all of that should be set down in the daily record. The Nicaraguan Commission expressed the view that the measurement and mapping work on that portion of the line was pointless and worthless because, according to the Award by General E. P. Alexander, the left bank of the Harbor and of the river formed the boundary and that therefore the dividing line was subject to change and not permanent. Therefore, the map and any data obtained shall never correspond to the actual dividing line. To that end, the two Commissions have decided to hear the decision that the arbitrator would render within a week to their respective arguments submitted to him on that question.”

The above-mentioned arguments of each party have been received and duly considered. It should be noted, for a clearer understanding of the question at hand, that the San Juan river runs through a flat and sandy delta in the lower portion of its course and that it is obviously possible that its banks will not only gradually expand or contract but that there will be wholesale changes in its channels. Such changes may occur fairly rapidly and suddenly and may not always be the result of unusual factors such as earthquakes or major storms. Examples abound of previous channels now abandoned and banks that are now changing as a result of gradual expansions or contractions.

Today’s boundary line must necessarily be affected in future by all these gradual or sudden changes. But the impact in each case can only be determined by the circumstances of the case itself, on a case-by-case basis in accordance with such principles of international law as may be applicable.

The proposed measurement and demarcation of the boundary line will not have any effect on the application of those principles.

The fact that the line has been measured and demarcated will neither increase nor decrease any legal standing that it might have had it not been measured or demarcated.

The only effect obtained from measurement and demarcation is that the nature and extent of future changes may be easier to determine.

There is no denying the fact that there is a certain contingent advantage to being always able to locate the original line in future. But there may well be a difference of opinion as to how much time and expense needs to be spent in order to obtain such a contingent advantage. That is the difference now between the two Commissions.

Costa Rica wants to have that future capacity. Nicaragua feels that the contingent benefit is not worth the current expenditure.

In order to decide which one of these views should hold sway, I have to abide by the spirit and letter of the 1858 Treaty and to determine whether there is anything in either point of view that is applicable to the question. I find both things in article 3.

Article 2 describes the entire dividing line from the Caribbean Sea to the Pacific and article 3 continues thus: "measurements corresponding to this dividing line shall be taken in whole or in part by the Government commissioners, who shall agree on the time required for such measurements to be made. The commissioners shall be empowered to diverge slightly from the curve around El Castillo, from the line parallel to the banks of the river and lake, or from the straight astronomical line between Sapoá and Salinas, provided that they can agree upon this, in order to adopt natural landmarks."

The entire article is devoted to prescribing how the Commissioners should perform their task. It allows them to dispense with a few details because it says that the whole or part of the line may be measured and implies that accuracy is not as important as finding natural landmarks. But the condition expressly stipulated in the latter case and clearly understood also in the former is that the two Commissions must agree.

Otherwise, the line in its entirety must be measured, following all the practical steps described in article 2.

Clearly, therefore, the consequence of any disagreement on the question of whether the measurement is more or less accurate must be that the view of the party favouring greater accuracy should prevail.

I therefore announce my award as follows: the Commissioners shall immediately proceed to measuring the line from the starting point to a point three miles below El Castillo Viejo, as proposed by Costa Rica.

Annex 11

Third Award of the Umpire EP Alexander in the boundary question between Costa Rica and Nicaragua, reprinted in United Nations, *Reports of International Arbitral Awards*, Vol. XXVIII (2007) p.227-230,

San Juan del Norte,

22 March 1898

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**Third award under the Convention between Costa Rica and Nicaragua
of 8 April 1896 for the demarcation of the boundary between the two Republics**

22 March 1898

VOLUME XXVIII pp. 227-230

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THIRD AWARD OF THE ENGINEER-UMPIRE, UNDER THE CONVENTION BETWEEN COSTA RICA AND NICARAGUA OF 8 APRIL 1896 FOR THE DEMARCATION OF THE BOUNDARY BETWEEN THE TWO REPUBLICS, DECISION OF 22 MARCH 1898*

TROISIÈME SENTENCE ARBITRALE RENDUE PAR LE SURARBITRE INGÉNIEUR, EN VERTU DE LA CONVENTION ENTRE LE COSTA RICA ET LE NICARAGUA DU 8 AVRIL 1896 POUR LA DÉMARCATIION DE LA FRONTIÈRE ENTRE LES DEUX RÉPUBLIQUES, DÉCISION DU 22 MARS 1898**

International boundary – necessity of stable boundaries – the bank of a river serving as boundary means the bank with the water at the ordinary stage – fluctuations in the water level do not alter the position of the boundary line – changes in the boundary can only occur when they affect the bed of the river.

Frontière internationale – nécessité de frontières stables – les berges d'un fleuve servant de frontière sont les berges correspondantes au niveau d'eau ordinaire – les fluctuations du niveau d'eau ne modifient pas la position de la ligne frontière – les modifications de la frontière ne peuvent résulter que de changements dans le lit du fleuve.

* * * * *

**Third award rendered, to San Juan del Norte,
on 22 March 1898, in the boundary question
between Nicaragua and Costa Rica.*****

In indicating my reasons for the second award I referred briefly to the fact that, according to the well known rules of international law, the precise location of the dividing line on the right bank of the San Juan river that this Commission is now determining, may be altered in future by possible changes in the banks or channels of the river.

I am now being requesting by the current Nicaraguan Commissioner to complete this award with a more definitive statement as to the legal and permanent nature or stability of the border line, which is being demarcated on a daily basis.

* Reprinted from H. La Fontaine, *Pacificisme Internationale: Histoire Documentaire des Arbitrages Internationaux (1794-1900)*, Imprimerie Stampelli & CIE, Berne 1902, pp -533-535.

** Reproduit de H. La Fontaine, *Pacificisme Internationale: Histoire Documentaire des Arbitrages Internationaux (1794-1900)*, Imprimerie Stampelli & CIE, Berne 1902, pp -533-535.

*** Original Spanish version, translated by the Secretariat of the United Nations.

What is effectively being sought is that I declare that this line will remain as the exact dividing line only as long as the waters of the river remain at their current level and that in future the dividing line may be determined on the basis of the water level at any particular moment.

The commissioner for Nicaragua submits the following in support of his argument:

“Without engaging in a detailed discussion as to the meaning of a river bed or channel, which is the entire area of a territory through which a watercourse flows, I do wish to recall the doctrine of experts on public international law, which is summed up by Mr. Carlos Calvo in his work ‘Le droit international théorique et pratique’, [book 40, para. 295, page 385] thus: — ‘Frontiers delimited by watercourses are subject to change when the beds of such watercourses undergo changes...’

I note that present-day codes are consistent with that doctrine in providing that land that a river or lake submerges and uncovers periodically does not accrue to the adjoining land because it is the watercourse bed. According to article 728 of the Honduran Civil Code, land submerged or uncovered by a watercourse from time to time during periods of ebb and flow in water level does not accrue to adjoining land.

It is therefore obvious that the mathematical line obtained and which continues to be obtained in the form to which reference is made, shall be used for illustrative purposes and as a possible reference point; however, that line is not the accurate measurement of the border line, which is and always shall be the right bank of the river as it may stand at any point in time.”

The commissioner’s argument, seen in the light of his mandate, as mentioned earlier, is born of a misconception which must be corrected.

While it is strictly speaking accurate that “the right bank of the river as it may stand at any point in time” shall always be the border line, the commissioner is obviously mistaken in believing that the legal location of the line defining the bank of a river will change in accordance with the river’s water level.

Indeed, the word “bank” is often used loosely to refer to the first piece of dry land that emerges from the water; however the inappropriateness of such language becomes apparent if one considers instances where rivers overflow their banks for many miles or where their beds dry out completely. Such loose language cannot be entertained in interpreting a treaty on the demarcation of a border line. Borders are intended to maintain peace, thus avoiding disputes over jurisdiction. In order to achieve that goal, the border should be as stable as possible.

Obviously, such a state of affairs would be unacceptable to residents and property owners close to the borders of the two countries, if the line that determines the country to which they owe allegiance and must pay taxes, and whose laws govern all their affairs, was there one minute and not there the next, because such a border line would just generate conflicts instead of

preventing them. The difficulties that would arise, for example, if certain lands and forests and their owners and residents or people employed in any capacity thereon, were required to be Costa Ricans in the dry season and Nicaraguans in the rainy season and alternatively of either nationality during the intermediate seasons are self evident. But such difficulties would definitely be inevitable if the border line between the two countries were subject to daily changes on the bank where land first rose above the water on the Costa Rican side, because in the rainy season, the river's waters submerge many miles of land in some localities.

It is for such reasons that writers on international law specifically maintain that temporary flooding does not give title to the submerged land. This is the real meaning of the language of the Honduran Code quoted by the Commissioner from Nicaragua. Transposed to the case at hand, it would read as follows: "Costa Rican land that Nicaraguan waters submerge or uncover from time to time, during periods of rise or fall in water level, does not accrue to adjoining (Nicaraguan) territory". As proof of that rule, I would like to cite examples of a host of cases in the United States of America where there are many ongoing law suits between states that have a river bank, and not the thread of a river channel, as one of their borders. I am personally familiar with one such case, where the left bank of the Savannah river is the boundary line between Georgia on the right bank and South Carolina on the left bank. During flooding, the river submerges miles of South Carolina territory, but this does not extend the power or jurisdiction of Georgia beyond the limits it had before with the water at ordinary stage. Thus, no advantage would be given to Georgia and it would be a great inconvenience to South Carolina. Nor do I believe that there is any example of such a mobile boundary in the world.

Clearly, therefore, wherever a treaty rules that the bank of a river shall be taken as a boundary, what is understood is not the temporary bank of land that emerges during exceptional high- or low-water stages, but the bank with the water at ordinary stage. And once defined by treaty, it will become permanent like the surface of the soil over which it flows. If the bank recedes the boundary line shrinks, if the bank expands towards the river, it moves forward.

The periodic rise and fall of the water level does not affect it. This is perfectly consistent with Carlos Calvo's rule quoted by the commissioner for Nicaragua that borders delimited by waterways are likely to change when changes occur in the beds of such waterways. In other words, it is the river bed that affects changes and not the water within, over or below its banks.

It would be useless to try to discuss all possible future changes in the bed or banks of the river and their impact just as it would be equally pointless to try to envisage future scenarios.

It is not this Commission's job to lay down rules for future contingencies but rather to define and mark out today's boundary line.

Let me sum up briefly and provide a clearer understanding of the entire question in accordance with the principles set out in my first award, to wit, that in the practical interpretation of the 1858 Treaty, the San Juan river must be considered a navigable river. I therefore rule that the exact dividing line between the jurisdictions of the two countries is the right bank of the river, with the water at ordinary stage and navigable by ships and general-purpose boats. At that stage, every portion of the waters of the river is under Nicaraguan jurisdiction. Every portion of land on the right bank is under Costa Rican jurisdiction. The measurement and delimitation work now being performed by the parties in the field every day defines points along this line at convenient intervals, but the border line between those points does not run in a straight line; as noted above, it runs along the banks of the river at the navigable stage in a curve with innumerable irregularities of little value which would require considerable expenditure to minutely demarcate.

Fluctuations in the water level will not alter the position of the boundary line, but changes in the banks or channels of the river will alter it, as may be determined by the rules of international law applicable on a case-by-case basis.

Annex 12

Fourth Award of the Umpire EP Alexander in the boundary question between Costa Rica and Nicaragua, reprinted in United Nations, *Reports of International Arbitral Awards*, Vol. XXVIII (2007), pp. 231-235

Georgetown,

26 July 1899

**REPORTS OF INTERNATIONAL
ARBITRAL AWARDS**

**RECUEIL DES SENTENCES
ARBITRALES**

**Fourth award under the Convention between Costa Rica and Nicaragua of
8 April 1896 for the demarcation of the boundary between the two Republics**

26 July 1899

VOLUME XXVIII pp. 231-236

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FOURTH AWARD OF THE ENGINEER-UMPIRE, UNDER THE CONVENTION BETWEEN COSTA RICA AND NICARAGUA OF 8 APRIL 1896 FOR THE DEMARCATION OF THE BOUNDARY BETWEEN THE TWO REPUBLICS, DECISION OF 26 JULY 1899*

QUATRIÈME SENTENCE ARBITRALE RENDUE PAR LE SURARBITRE INGÉNIEUR, EN VERTU DE LA CONVENTION ENTRE LE COSTA RICA ET LE NICARAGUA DU 8 AVRIL 1896 POUR LA DÉMARCATIION DE LA FRONTIÈRE ENTRE LES DEUX RÉPUBLIQUES, DÉCISION DU 26 JUILLET 1899**

Interpretation of treaty – words must be taken in their first and simplest meanings, in their natural and obvious sense, according to their general use.

Lake boundary – bank of a lake – limit of water by dry land comprising some elements of permanency – natural, obvious and reasonable waterline preferable to technical one – water level for determining water boundary in the absence of an explicit level; general custom treats mean high water as the normal level and the assumed lake boundary, wherever wet and dry seasons prevail, in all ordinary topographical maps – exceptional situation of waterline used as starting point for boundary line rather than as boundary line – choice of the line of mean high water.

Interprétation des traités – les termes doivent être pris dans leur sens premier le plus simple, naturel et évident, conformément à leur emploi courant.

Frontière lacustre – rives d'un lac – limite de l'eau par un terrain sec comprenant des éléments de permanence – ligne de niveau d'eau naturelle, évidente et raisonnable, préférable à une ligne technique – ligne de niveau d'eau déterminant la frontière lacustre en l'absence de niveau explicite; pour les régions d'alternance de saisons sèches et humides, pratique générale de se référer dans les cartes topographiques ordinaires, à la ligne moyenne du niveau d'eau haut comme niveau normal et ligne de délimitation du lac – situation exceptionnelle où la ligne d'eau sert de point de départ de la ligne frontière au lieu d'être elle-même la ligne frontière – choix de la ligne moyenne du niveau d'eau haut.

* * * * *

**Fourth Award made to Greytown, July 26, 1899,
in the question of the limit between Costa Rica and Nicaragua.**

As the arbitrator of whatever points of difference may arise between your two bodies in tracing and marking the boundary lines between the Republics you represent, I am called upon to decide the following question:

* Reprinted from H. La Fontaine, *Pasicrisie Internationale: Histoire Documentaire des Arbitrages Internationaux (1794-1900)*, Imprimerie Stampelli & CIE, Berne 1902, pp.-535-537. (Only one of the maps mentioned in this award is reprinted)

** Reproduit de H. La Fontaine, *Pasicrisie Internationale: Histoire Documentaire des Arbitrages Internationaux (1794-1900)*, Imprimerie Stampelli & CIE, Berne 1902, pp. 535-537.

What level of its waters shall be taken to determine the shore line of Lake Nicaragua, parallel to which and 2 miles distant therefrom the boundary line must be traced, from near the San Juan River to the Sapoá?

It will facilitate discussion to define in advance the principal levels which must be frequently referred to. Under the influence of rainy seasons of about seven months and dry seasons of about five the level of Lake Nicaragua is in constant fluctuation. We shall have to discuss five different stages.

First. Extreme high water, the level reached only in years of maximum rainfall or some extraordinary conditions.

Second. Mean high water, the average high level of average years.

Third. Mean low water, the average low level of average years.

Fourth. Extreme low water, the lowest level reached in years of minimum rainfall or other extraordinary conditions.

Fifth. Mean water, the average between mean high water and mean low water.

The argument presented to me in behalf of Nicaragua claims that the level to be adopted in this case should be the first level named, to wit extreme high water. It argues that this line and this alone, is the true limit of what the argument calls the bed of the lake. Costa Rica claims the adoption of the third level, to wit, mean low water. This is argued principally upon two grounds: First, it is shown by a great number of legal decisions that in most States all water boundaries are invariably held to run at either extreme or mean low water. Second, it is claimed that in case of any doubt Costa Rica is entitled to its benefit, as she is conceding territory geographically hers.

I will begin with Costa Rica's first argument. The equity of adopting a low water line in the case of all water boundaries is readily admitted, even though instances of contrary practice exist.

Between all permanent lands and permanent waters usually runs a strip of land, sometimes dry and sometimes submerged. We may call it, for short, semisubmerged. Its value for ordinary purposes is much diminished by its liability to overflow, but, as an adjunct to the permanent land, it possesses often very great value. If the owner of the permanent land can fence across the semisubmerged he may save fencing his entire water front. He also can utilize whatever agricultural value may be in the semisubmerged land in dry seasons. Both of these values would be destroyed and wasted if the ownership were conferred upon the owner of the water. Therefore equity always and law generally, confers it upon the owner of the permanent land.

I recognized and followed this principle in my award No. 3, where I held that the boundary line following the right bank of the San Juan River, below Castillo, follows the lowest water mark of a navigable stage of river. And, if now the lake shore were itself to be the boundary of Costa Rica, I would not

hesitate to declare that the semisubmerged land went with the permanent land and carried her limits at least to the mean low water line.

But this case is not one of a water boundary, nor is it at all similar, or on all fours with one, for none of the equities above set forth have any application. It is a case of rare and singular occurrence and without precedent within my knowledge. A water line is in question, but not as a boundary. It is only to furnish starting points whence to measure off a certain strip of territory. Clearly the case stands alone, and must be governed strictly by the instrument under which it has arisen. That is the treaty of 1858, and its language is as follows:

“Thence the line shall continue toward the river Sapoa, which discharges into the Lake Nicaragua, following a course which is distant always 2 miles from the right bank of the river San Juan, with its sinuosities, up to its origin at the lake, and from the right bank of the Lake itself up to the said river Sapoa, where this line parallel to the said bank will terminate.”

The principles, upon which the language and intent of treaties are to be interpreted, are well set forth in the Costa Rica argument by many quotations from eminent authors. All concur that words are to be taken as far as possible in their first and simplest meanings — “in their natural and obvious sense, according to the general use of the same words”, “in the usual sense, and not in any extraordinary or unused acceptance”.

We must suppose that the language of the treaty above quoted suggested to its framers some very definite picture of the lake with its banks and of the 2 miles strip of territory. It evidently seemed to them all so simple and obvious that no further words were necessary. Let us first call up pictures of the lake at different levels and see which seems the most natural, obvious and reasonable.

The very effort to call up a picture of the lake at either extreme high water or at extreme low water seems to me immediately to rule both of these levels out of further consideration. Both seem unnatural conditions, and I must believe that had either been intended, additional details would have been given.

Next, is the mean low water mark the first, most obvious and natural picture called up by the expression “the bank of the lake”? It seems to me decidedly not. During about eleven months of the year this line is submerged, invisible and inaccessible. It seems rather a technical line than a natural one. The idea of a bank is of water limited by dry land with some elements of permanency about it. Even during the brief period when the line is uncovered the idea of it is suggestive far more of mud and aquatic growths than of dry land and forest growths.

To my mind, the natural, simple and obvious idea of the bank of a lake in this climate is presented only by the line of mean high water. Here we would first find permanent dry ground every day of an average year. Here an observer, during every annual round of ordinary seasons, would see the water

advance to his very feet and then recede, as if some power had drawn the line and said to the waters, "Hitherto shalt thou come, but no further". Here the struggle between forest growths and aquatic vegetation begins to change the landscape. Here lines of drift, the flotsam and jetsam of the waves, naturally suggest the limits of the "bed of the lake".

One level of the lake remains for discussion, the mean level, or average of all waters. In a different climate, where the rainfall is more uniformly distributed throughout the year, the mean high water and mean low water lines, with all their respective features, would approach each other, tending to finally merge in the line of mean water. But, where wet and dry seasons prevail, as in the present case, the line of mean water is destitute of all obvious features, and is submerged for many months of the year. It is purely a technical and not a natural line, and is not to be understood where not expressly called for.

In argument against Nicaragua's claim of the extreme high water line, Costa Rica appeals to the general custom of geographers and scientific men in making ordinary topographical maps, who never adopt the extreme lines of overflows for the outlines of lakes. This argument of general custom has great weight but it is equally against Costa Rica's claim for the mean low water line. Wherever wet and dry seasons prevail, general custom treats mean high water as the normal state, always to be understood where no other level is expressed, and the line is assumed as the lake boundary in all ordinary topographical maps. Two quotations from Commander Lull's report of his Nicaraguan Canal survey will illustrate "Report Secretary of the Navy, 1873, p. 187":

"In a survey made by Mr. John Baily, many years since, that gentleman professed to have found a pass with but 56 feet above the lake level, but the most of his statements are found to be entirely unreliable... For example, he finds Lake Nicaragua to be 121 feet above mean tide in the Pacific, while the true difference of level is but 107 feet." (Ibid., p. 199.)

"The surface of Lake Nicaragua is 107 feet above mean tide in either sea."

From comparison of this level with the levels found by other surveys, there is no question that this figure was Lull's estimate of mean high water, as shown by his line of levels.

From every consideration of the lake, therefore, I am driven to conclude that the shore line of the lake contemplated in the treaty is the mean high water line.

I am led to the same conclusion also from the standpoint of the 2 miles strip of territory.

The treaty gives no intimation as to the purpose of this concession, and we have no right to assume one, either political or commercial. We have only to observe the two conditions put upon the strip in the treaty. Under all ordinary conditions it must be land, and 2 miles wide. This would not be the case if we adopted the line of either mean low water or mean water. In the

former case the strip would be too narrow for about eleven months of an ordinary year: in the latter case for about five months.

Without doubt, then, I conclude that mean high water mark determines the shore of the lake and it now remains to designate that level and how it shall be found.

Several surveys of the proposed Nicaraguan Canal route besides that of Commander Lull above quoted, have been made within the last fifty years. Each found a certain mean high level of the lake, and it might seem a simple solution to take an average of them all, but, as each adopted its own bench mark on the ocean and ran its own line of levels to the lake, I have no means of bringing their figures to a common standard. It seems best, therefore, to adopt the figures of that one which is at once the latest and most thorough, which has enjoyed the benefit of all of the investigations of all of its predecessors, and whose bench marks on the lake are known and can be referred to. That is the survey, still in progress, under the direction of the United States Canal Commission. Its results have not yet been made public, but, by the courtesy of Rear Admiral J. G. Walker, President of the Commission, I am informed of them in a letter dated July 10, 1899, from which I quote:

“In reply I am cabling you to-day as follows: ‘Alexander, Greytown, six,’ the six meaning, as per your letter, 106 as mean high level of lake. This elevation of 106 is, to the best of our knowledge (Mr. Davis, our hydrographer) the mean high water for a number of years... The highest level of the lake in 1898 was 106.7, last of November. The elevation of our bench mark on inshore end of boiler at San Carlos is 109.37.”

A complete copy of this letter will be handed you and also blue prints of the maps made by the Commission of the lower end of the lake, which may facilitate your work.

As this Commission is the highest existing authority, I adopt its finding and announce my award as follows:

The shore line of Lake Nicaragua, at the level of 106 feet, by the bench marks of the United States Nicaragua Canal Commission, shall be taken as the bank of said lake referred to in the treaty of 1858¹.

¹ *Monthly Bulletin of the Bureau of the American Republics*, 1899, vol. VII, p. 877.

Annex 13

Proceedings of the Costa Rica-Nicaragua Demarcation Commission, (Extracts)

Source: Original Minutes, Ministry of Foreign Affairs and Worship of Costa Rica
archives.

1897-1900

COSTA RICAN COMMISSION

Proceedings of inauguration of work on demarcation of limits between Costa Rica and Nicaragua

In San Juan del Norte of the Major Republic of Central America, on the fifteenth day of May of eighteen hundred and ninety-seven, the undersigned engineers Luis Matamoros and Leónidas Carranza, Commissioners of the Government of Costa Rica, and Salvador Castrillo and W. Climie, Commissioners of the Government of Nicaragua, assembled to permanently trace and mark the boundary line between these two countries, in accordance with the Treaty of limits of April 15, 1858 and the Arbitral Award of Grover Cleveland, President of the United States of America, assisted by the Engineer Arbiter, General E.P. Alexander, appointed by the above-mentioned President of the United States in order to form said Commissions and to resolve the matters discussed in Article II of the Convention celebrated in San Salvador on May 2, 1896, after presenting their respective credentials, which we consider to be in order, we accept them and we declare the Commissions to be established; and we declare the duties that have been entrusted to us to be inaugurated on this date; and an agreement was reached to visit the places related to the initial point of the boundary line immediately as a preliminary proceeding for the establishment of the aforementioned initial point; and this act is entered in duplicate in the respective books, signed and provisionally sealed by each of the Commissioners and by the Engineer Arbiter; and one of the copies is in the English language. Luis Matamoros.- Leónidas Carranza. Salvador Castrillo and W. Climie.

E.P. Alexander

Proceedings II

In the year eighteen ninety-seven and on the fifth day of the month of June, at nine o'clock in the morning in San Juan del Norte and at the Arbiter General E.P. Alexander's house, the assembled Commissions of Limits between Nicaragua and Costa Rica declare: that an error was made in the previous act where it referred to the party representing the rights of Nicaragua, which was said to be the Government of Nicaragua, when it should have said that the party was appointed by the Diet of the Major Republic on behalf of the State of Nicaragua; as this is how it is registered on the respective credentials. After the rectification was made, it is certified that the days following the aforementioned first act have been dedicated to carrying out inspections and studying maps and documents, and both Commissions now consider that they have collected the information and acquired clear knowledge of the first matter presented to carry out their duties, and since they are not in agreement with regard to the interpretation of the article establishing the initial point and the demarcation of the line to the second point, they agree that at midday on the fourteenth day of the current month, they will submit a statement to the Arbiter in which each Commission explains its basis for indicating a distinct spot that should be considered to be the initial point of the boundary line between both territories starting on this side of the Atlantic; and how the line should continue to the second point indicated on the River. They also agree that they will submit two copies of the above-mentioned statements so that the Arbiter keeps one and the other copy is received by the other Commission, respectively, who will keep it until the last day of the current month of June, on which day each Commission must submit its claim in which it replies to the opposing statement. This agreement does not prevent either Commission from compiling additional data and offering the Arbiter any means of arriving at a just conclusion, after submitting their claims and statements. However, the Arbiter will notify the other Commission of the new request within a reasonable time, as determined by the Arbiter, in order that the Commission may make appropriate

corrections. The Commissions anticipate that the Arbiter, after studying the documents, statements and claims, and arriving at a resolution, simultaneously communicate his decision to both commissions and finalize his Award. The Arbiter, General E.P. Alexander is present; he is acquainted with the current act, authorizes it and we sign and seal it on the abovementioned date.-Luis Matamoros.- Leónidas Carranza. Salvador Castrillo and W. Climie.

E.P. Alexander

Proceedings III

In the city of San Juan del Norte on the fourteenth day of the month of June of eighteen hundred and ninety-seven, having convened with the Arbiter General E.P. Alexander at his place of residence, the Commissions assembled, each one submitting two copies of the statement mentioned in the previous act of the fifth of this current month, exchanging one copy of the statement with the opposing party, and depositing the other copy with the Arbiter. One copy of the statement submitted by Nicaragua has thirty-nine pages and the other thirty-eight, the former copy is received by the Costa Rican Commission. The Costa Rican Commission's statement extends to forty-one pages and includes two maps and a collection of new diagrams from different periods relating to the matter. The Nicaraguan Commission submitted their map and copies of the pact, the Decision and the Treaty cited in the footnote of the statement.- We all sign, and stamp this act with our seals. We certify that the two maps, submitted and drawn by the Costa Rican Commission, are identical.

E.P. Alexander

Salvador Castrillo

Luis Matamoros

W. Climie

Leónidas Carranza

Proceedings IV

In the City of San Juan del Norte, at five o'clock in the afternoon, of the thirtieth of June of eighteen hundred and ninety-seven. The Commissions of Limits of both Republics assembled, with the attendance of the Arbiter General Alexander, each submitted its respective claim in reply to the opposing statement submitted on the fourteenth of the month ending today; and by mutual agreement copies were exchanged between the two parties, but no further rebuttals permitted, as the debates are closed and only additional data may be submitted, as agreed in the act of the fifth of the same month of June. On this date the aforementioned Commissions returned the opposing statement, each retaining the opposing claim for the above-mentioned purpose. It is certified that the claim of the Nicaraguan Commission extends to ninety pages, and that of the Costa Rican Commission to sixty-seven. Likewise, both agree to submit English translation of their respective documents for the Arbiter. All seal and sign on the abovementioned date.- Luis Matamoros.- Leónidas Carranza. Salvador Castrillo and W. Climie.

E.P. Alexander

Proceedings V

In the City of San Juan del Norte, at two o'clock in the afternoon of the thirtieth day of September of eighteen hundred and ninety-seven.- Summoned by the Arbiter General E.P. Alexander, the Commissions of Nicaragua and Costa Rica assembled on the usual premises, where the Arbiter read his award relating to this issue, herein copied verbatim:

“San Juan del Norte, Nic. September 30. 1897. To the Commissions of limits of Costa Rica and Nicaragua.- Gentlemen: In pursuance of the duties assigned me by my Commission from the President of the United States as the Engineer Arbitrator to your two bodies, with the power to decide finally any points of difference that may arise in tracing and marking out the Boundary line between

the two Republics, I have given careful study and consideration to all the arguments, counter-arguments, maps, and documents, submitted to me in the matter of the proper location of the initial point of the said Boundary line upon the Caribbean coast .- The conclusion of which I have arrived and the award I am about to make are not in accord with the views of either commission. So in deference to the very excellent earnest arguments, so faithfully and loyally urged by each Commission for its respective side, I will indicate briefly my line of thought and the considerations which have seemed to me to be paramount in determining the question.- And of these considerations the principal, and the controlling one, is that we are to interpret and give effect to the Treaty of April 15, 1858, in the way in which it was mutually understood, at the time by its makers.- Each Commission has presented an elaborate and well argued contention that the language of that Treaty is consistent with its claim for a location of the initial point of the boundary line at a plan which would give to its country great advantage.- These points are over six (6) miles apart, and are indicated on the map accompanying this award.- The Costa Rican claim is located on the left hand shore or West Headland of the harbor; the Nicaraguan on the East Headland of the Taura branch.- Without attempting to reply in detail to every argument advanced by either side in support of its respective claim, all will be met, and efficiently answered, by showing that those who made the Treaty mutually understood and had in view another point, to wit, the Eastern Headland at the mouth of the harbor.- It is the meaning of the men who framed the Treaty which we are to seek, rather than some possible meaning which can be forced upon isolated words or sentences.- And this meaning of the men seems to me abundantly plain and obvious.- This Treaty was not made hastily or carelessly.- Each State had been wrought up- by years of fruitless negotiations, to a State of readiness for war in defense of what it considered its rights, as is set forth in Article I.- In fact war had actually been declared by Nicaragua, on November 25, 1857, when through the mediation of the Republic of Salvador, a final effort to avert it was made, another Convention was held and this Treaty resulted.- Now, we may arrive at the mutual understanding finally reached by its framers, by first seeking in the Treaty as the

whole, the general idea, or scheme of compromise, upon which they were able to agree.- Next, we must see that this general idea of the Treaty harmonizes fully with any description of the line given in detail, and the proper names of all the localities used, or not used, in connection therewith.- For the non-use of some names may be as significant as the use of others.- Now, from the general consideration of the Treaty as a whole, the scheme of compromise stands out clear and simple.- Costa Rica was to have as a boundary line the right, or southeast, bank of the river, considered as an outlet for commerce, from a point three (3) miles before Castillo to the sea.- Nicaragua was to have “sumo imperio” of all the waters of this same outlet for commerce, also unbroken to the sea. – It is to be noted that this division implied also, of course, the ownership of all islands in the river and of the left or northwest bank and headland by Nicaragua. This division brings the boundary line, (supposing it to be traced downward along the right bank, from the point near Castillo) across both the Colorado and the Taura branches.- It cannot follow either of them, for neither is an outlet for commerce, as neither has a harbor at its mouth.- It must follow the remaining branch, the one called the Lower San Juan, through its harbor, and into the sea.- The natural terminus of that line is the right hand headland of the harbor mouth.- Next, let us note the language of description used in the Treaty, telling whence the line is to start and how it is to run, leaving out for the moment the proper name applied to the initial point; it is to start “at the mouth of the River San Juan de Nicaragua, and “shall continue following the right bank of the said rivers, to a point three (3) English miles from Castillo Viejo.” This language is evidently carefully considered and precise, and there is but one starting point possible for such a line and that is the right headline of the Bay.- Lastly we come to the proper name applied to the starting point “the extremity of Punta de Castilla.”- This name, Punta de Castilla does not appear upon a single one of all the original maps of the Bay of San Juan which have been produced by either side and which seem to include all that were ever published before the Treaty, or since.- This is a significant act and its meaning obvious.- Punta de Castilla must have been, and must have remained, a point of no importance, political or commercial.-

Otherwise it could not possibly have so utterly escaped note or mention upon the maps.- This agrees entirely with the characteristics of the mainland and the headline of the right of the bay.- It remains to this day, obscure and unoccupied, except by the hut of a fisherman.- But the identification of the locality is still further put beyond all question by the incidental mention, in another article of the treaty itself, of the name Punta de Castilla. In article V, Costa Rica agrees temporarily to permit Nicaragua to use Costa Rica's side of the harbor without payment of port dues, and the name Punta de Castilla is plainly applied to it.- Thus we have, concerning, the general idea of compromise in the treaty as a whole, the little description of the line in detail and the verification of the name applied to the initial point by its incidental mention in another position of the treaty, and by the concurrent testimony of every map-marker of every nation, both before the Treaty and since, in excluding this name from all other portions of the harbor.- This might seem to be sufficient argument upon the subject, but it will present the whole situation in a still clearer light to give a brief explanation of the local geography, and of one special peculiarity of this Bay of San Juan.- The great feature in the local geography of this Bay, since our earliest accounts of it, has been the existence of an island in its outlet, called on some early maps the Island of San Juan.- It was an island of such importance as to have been mentioned in 1820 by two distinguished authors quoted in the Costa Rican reply to Nicaragua's argument: (page 12), and it is an island to-day, and so appears in the map accompanying this award.- The peculiarity of this Bay, to be noted, is that the river brings down very little water during the annual dry season.- When that happens, particularly of late years, sandbars, dry at all ordinary tides but submerged, more or less, and broken over by the waves at all high ones, are formed, fragmentally reaching the adjacent headlines so that a man might cross dry shod.- Now the whole claim of Costa Rica is based upon the assumption that on April 15, 1858, the date of the Treaty, a connection existed between the Island and the eastern headland, and that this converted the island into main island, and carried the initial point of the boundary over to the western extremity of the island. To this claim there are at least two replies, either one seeming to me

conclusive. - First, the exact state of the bar on that day cannot be definitely proven, which would seem to be necessary before drawing important conclusions.- However, as the date was near the end of the dry season it is most probable that there was such a sand bar connection between the island and the eastern or Costa Rican shore, as has been described.- But even if that be true it would be unreasonable to suppose that such temporary connection could operate to change permanently the geographical character, and political ownership of the island.- The same principle, if aloud, would give to Costa Rica every island in the river to which sand bars from her shore had made out during that dry season. But throughout the treaty, the river is treated and regarded as an outlet of commerce. – This implies that it is to be considered as in average condition of water, in which condition alone, it is navigable. – But the overwhelming consideration in the matter is that by the use of the name Punta de Castilla for the starting point, instead of the name Punta Arenas, the makers of the Treaty intended to designate the mainland on the east of the harbor. - This has already been discussed, but no direct reply was made to the argument of Costa Rica quoting three authors as applying the name Punta de Castilla to the western extremity of the aforementioned island, the point invariably called Point Arenas by all the naval and other officers, surveyors and engineers who ever mapped it. - These authors are L. Montufar, a Guatemalan in 1887. - J.D. Gamer, a Nicaraguan, in 1889, and E.G. Sguier, an American (date not given exactly, but subsequent to the treaty). – Even of these, the last two merely used, once each, the name Punta de Castilla as an alternate for Punta Arenas. - Against this array of authority we have first, and innumerable number of other writers clearly far more entitled to confidence: second, the original makers of all the maps, as before pointed out: and third, the framers of the treaty itself, by their use of Punta de Castilla in Article V. - It must be borne in mind that, for some years before the making of the treaty, Punta Arenas had been by far the most important and conspicuous point in the bay. - On it were located the wharves, workshops, offices & c., of Vanderbilt's great Transit Company, conducting the through line from New York to San Francisco – during the gold rush of the early fifties. – Here the ocean and river steamers met and

exchanged passengers and cargo. – This was the point sought to be controlled by Walker and the filibusters. - The village of San Juan cut no figure at all in comparison, and it would, doubtless, be easy to produce by hundreds references to this point as Punta Arenas by naval and diplomatic officers of all prominent nations, by prominent residents and officials, and by engineers and surveyors constantly investigating the Canal problem, and all having personal knowledge of the locality. – In view of all these circumstances, the jealousy with which each party to the treaty defined what it gave up and what it kept, the prominence and importance of the locality, the concurrence of all the original maps in the name, and its universal notoriety, I find it impossible to conceive that Nicaragua had conceded this extensive and important territory to Costa Rica, and that the latter's representative had failed to have the name Punta Arenas appear anywhere in the Treaty. - And for reasons so similar that it is unnecessary to repeat them, it is also impossible to conceive that Costa Rica should have accepted the Taura as the boundary, and that Nicaragua's representative should have entirely failed to have the name Taura appear anywhere in the treaty. – Having then designated generally the mainland East of Harbor Head as the location of the initial point of the boundary line it now becomes necessary to specify more minutely, in order that the said line may be exactly located and permanently marked. - The exact location of the initial point is given in President Cleveland's award as the "extremity of Punta de Castilla, at the mouth of the San Juan of Nicaragua River, as they both existed on the 15th of April 1858". - A careful study of all available maps and comparisons between those made before the treaty and those of recent date made by Boards and Engineers and Officers of the Canal Company, and one of today made by yourselves to accompany this award makes very clear one fact. - The exact spot which was the extremity of the headland of Punta de Castilla, April 15, 1858, has now long been swept over by the Caribbean Sea, and there is too little concurrence in the shore outline of the old maps to permit any certainty of statement of distance or exact direction to it to the present headland. - It was somewhere to the northeastward and probably between six hundred (600) and sixteen hundred (1600) feet distant, but it cannot now be certainly located. -

Under these circumstances, it best fulfills the demands of the treaty and of President Cleveland's award to adopt what is, practically, the headland of to-day; or the northwestern extremity of what seems to be the solid land, on the east side of Harbor Head Lagoon. - I have accordingly made personal inspection of this ground, and declare the initial line of the boundary to run as follows, to wit: Its direction shall be due northeast and southwest, across the bank of sand, from the Caribbean Sea into the waters of Harbor Head Lagoon. - It shall pass, at its nearest point, three hundred (300) feet on the northwest side from the small hut now standing in the vicinity. - On reaching the waters of Harbor Head Lagoon the Boundary Line shall turn to the left, or southeastward, and shall follow the water's edge around the Harbor until it reaches the river proper by the first channel met.- Up this channel and up the river proper, the line shall continue to ascend as directed in the Treaty.- I am, gentlemen, very respectfully your obedient servant, E.P. Alexander”.

There is a seal that says: “Costa Rica-Nicaragua = Boundary Commission.- E.P. Alexander Engineer Arbiter”.- And, in fulfillment of what article IX of the Matus-Pacheco Convention of March 27, 1896 establishes, I the arbiter, in conjunction with both commissions, sign and authorize the current act with our respective seals (in triplicate).-

E.P. Alexander

Luis Matamoros

W. Climie

Leónidas Carranza

Salvador Castrillo

Proceedings VI

In the City of San Juan del Norte at four o'clock in the afternoon of the second day of October of eighteen ninety-seven.- The Commissions of Limits between Costa Rica and Nicaragua assembled on the usual premises, and with the Arbiter General E.P. Alexander present, it is certified that having proceeded with a personal inspection of the place designated by the arbiter as the initial point of the boundary line, in accordance with what is stipulated in the Award inserted in the previous act the arbiter established the spot where the monument that will serve as a boundary marker on the Atlantic Coast should be placed, the aforementioned spot is provisionally marked by a straight line of three hundred English feet measured from the hut referred to in the arbitral award and in the direction that will be stated further on.- The following provisional observations were made at the hut:

ILLUSTRATION

Below the following azimuths were measured; from the above-mentioned hut:

To the highest point of the mountain at Monkey-Point (Punta de Mono) 89°.05'

To the small island in front of Monkey Point 92°.24'

To the islet that resembles a tree in the sea 93°.33'

To the conical hill in the direction of Indio River 50°.52'

To the true initial point of the boundary line that lies 300 feet from the hut
41°.09'

The Commissions agree on the following type of monument to be built at the Hut: on a circular concrete platform two and a half feet thick by diameter of six and a half feet in diameter, that will serve as the base, a cylinder will rise, also made of concrete, of four feet and ten inches in diameter by three feet, four inches high.- A

granite cube of one meter in edge length will be placed on top of this cylinder, which will have the following inscriptions in bronze: -on the northwest face -“J. Santos Zelaya, President of Nicaragua- Commissioners- Salvador Castrillo- William Climie.”- On the southeast face- “Rafael Iglesias, President of Costa Rica- Commissioners- Luis Matamoros- Leónidas Carranza.”- On the northeast face- “General E.P. Alexander, Engineer Arbiter”, and on the southwest face the geographical coordinates of the spot marked as the initial point of the line, and the date “September 30, 1897.”- The edges of the cube will mark the four astronomical cardinal points.- The construction of this monument will be entrusted to Mister Eduardo Kattengell; and the period of time set for its inauguration is from the first to the fifteenth of next November.- And for the record we sign and authorize this act with our seals.- Note,- On the last line of page 12, where it says in parentheses: “(50°.55’)” it should say 41°. 09’.- On this page 13, line 7, the “(and)” in parentheses should be eliminated, line 17, the word in parentheses that says “(construction) should read “inauguration.”-

E.P. Alexander

Luis Matamoros

W. Climie

Leónidas Carranza

Salvador Castrillo

Proceedings VII

In the City of San Juan del Norte at eight o'clock in the morning of December 7th 1897, the commissions met to continue their work, having before them the agreement issued by the government of the Republic of Costa Rica this past June 30th wherein Ing. Andrés Navarrete was appointed to temporarily replace Ing. Carranza, who had replaced don Luis Matamoros during the absence of this latter member. Points approved in the last meeting, held on October 2nd were reviewed and the inauguration of the primary benchmark postponed to the present. The Costa Rican Commission proposed measuring the line from its origins, then coastwise by Harbor Head, bordering the nearest channel to San Juan River and

following its course to a point three miles downstream from Castillo Viejo: that the line be drawn, and the day-to-day operations be registered in minutes of the meetings.- The Nicaraguan committee expressed their objection to what they termed as useless work insofar as the Treaty and General E. P. Alexander's decision established the dividing line at the edge of the Harbor and the River, and that their alternative would be a variable rather than a fixed line, and that resulting data would not yield a true dividing line. Accordingly both commissions decided to abide by the arbiter's decision in this matter, presenting their respective arguments within a week. The two versions of Arbiter General Alexander's award made by each Party were had at hand, and it was agreed to adopt the one that reads as follows: San Juan del Norte, Nicaragua, September 30th 1897. To the Boundaries Commissions of Nicaragua and Costa Rica: Gentlemen, in compliance with my duty as arbitrating engineer between your two nations, and in virtue of the assignment entrusted me by the President of the United States, I am empowered to settle any differences which may arise in the Treaty and in the demarcation of the dividing line between the two republics, I have studied and carefully considered all allegations, counter arguments, maps and documents submitted to me relevant to the exact location of the origin of the dividing line in the Caribbean Coast. The conclusion to which I have arrived, and the decision which I am about to pronounce does not conform to the views of either commission. Therefore, in deference to the excellent and vigorous arguments, well and loyally presented by both of the commissions in favor of their respective causes, I shall briefly explain my viewpoint and those considerations which have seemed conclusive to resolve the issue. And of these, the principal and predominant consideration is that we must interpret and observe the Treaty of April 15th 1858 as it was mutually understood, on the day of its execution, by its authors.- Each commission presented an elaborate and well-reasoned argument in support of its respective claims regarding the location of the origin of the boundary line most advantageous to its particular country.- These points of origin are somewhat more than six miles apart and are indicated on the map hereto attached.- That claimed by Costa Rica lies on the coast, to the left side, that is, on

the extreme headland to the West of the bay: that claimed by Nicaragua lies on the East headland of the Taura branch. Without entering into discussion of each of the arguments posed by one or the other of the parties in support of their respective claims, all these shall be taken into account and adequately resolved, thus demonstrating that the executors of the Treaty mutually understood and focused upon a different point, i.e., the outermost limit of mainland at the East of the river mouth. Before degenerating in possible misinterpretation that could lead to abrupt expressions or isolated judgments, we should try to understand the reasoning of the authors of the Treaty. And it appears very clear and obvious to me that this Treaty was not made hastily or carelessly. Both nations had been exasperated by years of fruitless negotiations to the verge of preparing for war to defend what each considered its rights, as mentioned earlier. In fact, war had been declared by Nicaragua on November 25th 1857, when, by virtue of the Republic of Salvador's mediation, a final attempt to avert it brought about the resumption of negotiations which yielded this Treaty. Now then, we may perceive the intelligence of its authors in first searching the Covenant for a general idea upon which agreement was possible. We must further perceive that the Treaty's general idea is in complete harmony with any detailed description of its indicated line, both in its citation –as well as its non-citation of proper place names in their reference to the line. Because the non-use of some names can imply as much as the use of others. Now, viewing the general thought of the Treaty as a whole, it is seen that the Covenant appears clear and simple. Costa Rica would have, as a dividing line, the right or Southeast bank of the river, considering it a commercial route, from a point three miles downstream from El Castillo to the sea. Nicaragua would have its highly valued “complete dominion” in all the waters of that same commercial route, likewise uninterrupted, to the sea. It should be noted that this division also naturally implies Nicaraguan sovereignty over all the river islands, as well as over the left or northeast river bank and its headland. The course of this line, passing through both branches, the Colorado and the Taura, establishes the border, presuming that, from the point near El Castillo the line is projected downstream along its right bank. The line may not follow either of these

branches, since neither is a commercial route, having no port at its mouth. Rather, it must follow the remaining branch, called Lower San Juan, passing through its harbor to the sea. The natural end point of that line is the headland of the right bank of the mouth of the bay. We immediately note that the descriptive language used in the Treaty, which tells where the line begins and how it should run, omitting for the moment the proper place name applied to its origin. It must start “in the mouth of San Juan River of Nicaragua and continue seaward with the right bank of said river”...”to a point three English miles distant from Castillo Viejo”. Evidently this language is carefully and categorically expressed; there is only one possible point of departure for this line: the right headline of the bay. Finally we arrive to the proper name applied to the point of departure: “the extremity of Castilla Point”. This name does not appear in even one of all the original maps of San Juan Bay, drawn by one or the other party, and would seem to include all those published prior and posterior to the Treaty. This fact is most significant and its interpretation is obvious. Castilla Point must have been and must have remained unimportant, both politically and commercially, for otherwise it could not have escaped notice nor mention on the maps. This conforms entirely with the peculiarities of the mainland and headland to the right of the bay, which area remains unknown and unoccupied even today, except for a fisherman’s hut. But incidental mention is made in another article of the same Treaty naming Castilla Point, further eliminating any doubt regarding its location. In Article 5, Costa Rica agrees to allow Nicaragua temporary duty-free use of Costa Rica’s side of the port, to which the name Castilla Point is fully applied. Therefore we have a congruent general idea of the Covenant within the whole of the Treaty, the literal description of the line in detail and the verification of the name applied to the point of departure by its incidental mention in another passage of the Treaty, as well as concurrent testimony of the mapmakers of all countries prior and subsequent to the Treaty by their uniform exclusion of this name from all other parts of the bay. It would seem that the aforementioned should be adequate discussion of the matter, but all is seen more clearly with the aid of a brief explanation of the local geography and a special peculiarity of San Juan Bay. The

most outstanding characteristic of the bay's geography from our first notice has been the presence of an island at its mouth, named in some early maps as the Isle of San Juan. It was an island of such importance as to have been mentioned in 1820 by two distinguished authors quoted in the Costa Rican reply to Nicaragua's argument: (page 12), and it is an island today, and so appears in the map accompanying this award. The peculiarity of this Bay, to be noted, is that the river brings down very little water during the annual dry season. When that happens, particularly in later years, sandbars, dry at all ordinary tides but more or less submerged by waves at high tides, are formed, fragmentally reaching the adjacent headlines so that a man might cross dry-footed. Now the whole claim of Costa Rica is based upon the assumption that on April 15, 1858, the date of the Treaty, a connection existed between the Island and the eastern headland, and that this converted the island into main island, thus moving the initial point of the boundary over to the western extremity of the island. To this claim there are at least two replies, each of them seeming to me conclusive. First, the exact state of the bar on that day can not be definitely proven, which would seem to be necessary before drawing important conclusions. However, as the date was near the end of the dry season it is most probable that there was such a sandbar connection between the island and the eastern or Costa Rican shore, as has been described. But even if that be true, it would be unreasonable to suppose that such temporary connection could effect a permanent change in the geographical character and political ownership of the island. The same principle, if allowed, would give to Costa Rica every island in the river to which sand bars from her shore had extended to the island during that dry season. But throughout the treaty, the river is treated and regarded as an outlet of commerce. This implies that it is to be considered as in average condition of water, in which condition alone it is navigable. But the overwhelming consideration in the matter is that by the use of the name Punta de Castilla for the starting point, instead of the name Punta Arenas, the makers of the Treaty intended to designate the mainland on the east of the harbor. This has already been discussed, but no direct reply was made to the argument of Costa Rica quoting three authors as applying the name Punta de

Castilla to the western extremity of the aforementioned island, the point invariably called Point Arenas by all the naval and other officers, surveyors and engineers who ever mapped it. These authors are L. Montúfar, a Guatemalan, in 1887, J.D. Gamer, a Nicaraguan, in 1889, and E.G. Iguier, an American (date not given exactly, but subsequent to the treaty). Even of these, the latter two merely used, on single occasions, the name Punta de Castilla as an alternate for Punta Arenas. Against this array of authority we have first, an innumerable number of other writers clearly far more deserving of confidence; second, the original makers of all the maps, as previously indicated, and third, the framers of the treaty itself, by their use of Punta de Castilla in Article V. It must be borne in mind that, for some years before the making of the treaty, Punta Arenas had been by far the most important and conspicuous point in the bay. On it were located the wharves, workshops, offices, etc., of Vanderbilt's great Transit Company, conducting the through line from New York to San Francisco during the gold rush of the early fifties. Here the ocean and rivers steamers met and exchanged passengers and cargo. This was the point sought to be controlled by Walker and the filibusters. The village of San Juan cut no figure at all in comparison, and it would, doubtless, be easy to produce, by the hundreds, references to this point as Punta Arenas, by naval and diplomatic officers of all prominent nations, by prominent residents and officials, and by engineers and surveyors constantly investigating the Canal problem, all having personal knowledge of the locality. In view of all these circumstances, the jealousy with which each party to the treaty defined what it gave up and what it kept, the prominence and importance of the locality, the concurrence of all the original maps in the name, and its universal notoriety, I find it impossible to conceive that Nicaragua had conceded this extensive and important territory to Costa Rica, and that the latter's representative had failed to have the name Punta Arenas appear anywhere in the Treaty. And for reasons so similar that it is unnecessary to repeat them, it is also impossible to conceive that Costa Rica should have accepted the Taura as the boundary, and that Nicaragua's representative should have entirely failed to have the name Taura appear anywhere in the treaty. Having then designated generally the mainland East of

Harbor Head as the location of the initial point of the boundary line, it now becomes necessary to specify more minutely, in order that the said line may be exactly located and permanently marked. The exact location of the initial point is given in President Cleveland's award as the "extremity of Punta de Castilla, at the mouth of the San Juan of Nicaragua River, as they both existed on the 15th of April 1858". A careful study of all available maps and comparisons between those made before the treaty and those of recent date made by Boards of Engineers and Officers of the Canal Company, and one of today made by yourselves to accompany these awards makes one fact very clear: the exact spot which was the extremity of the headland of Punta de Castilla, April 15, 1858, has now long been swept over by the Caribbean Sea, and there is too little concurrence in the shore outline of the old maps to permit any certainty of statement of distance or exact direction of it to the present headland. It was somewhere to the northeastward and probably between six hundred (600') and sixteen hundred (1600') feet distant, but it can no longer be precisely defined. Under these circumstances, it best satisfies the demands of the treaty and of President Cleveland's award to adopt what is, practically, the headland of today, or the northwestern extremity of what seems to be solid ground, on the east side of Harbor Head Lagoon. I have accordingly made personal inspection of these grounds, and declare the initial line of the boundary to run as follows, to wit: Its direction shall be due northeast and southwest, across the bank of sand from the Caribbean Sea into the waters of Harbor Head Lagoon. It shall pass, at its nearest point, three hundred (300') feet on the northwest side from the small hut now standing in the vicinity. Upon reaching the waters of Harbor Head Lagoon the Boundary Line shall turn to the left, or southeastward, and shall follow the water's edge around the Harbor until it reaches the river proper by the first channel met. Up this channel and up the river proper, the line shall continue to ascend as directed in the Treaty. I am, gentlemen, very respectfully your obedient servant, E.P. Alexander".

E.P. Alexander

Luís Matamoros

W. Climie

Leónidas Carranza

Salvador Castrillo

Proceedings VIII

In the Town of San Juan del Norte, at nine o'clock in the morning, on December the thirty-first of the year eighteen hundred ninety-seven- the Commissions having met in the customary Place, chaired by the Engineer Arbiter, were informed of the following Award:) “= Award N° 2 = San Juan del Norte December 20th, 1897.- To the Commissions of Limits of Nicaragua and Costa Rica- Gentlemen:- In further pursuance of my duty as Engineer-Arbiter to your two honorable bodies I am called upon to decide the question submitted to me in your proceedings of the 7th instant as set forth in the following quotation from the official record: to wit – “The Commission of Costa Rica proposed to proceed to the measurement of the line which from the initial point follows the margin of Harbor Head and there by the margin of the nearest channel until it reaches the margin of the river proper of San Juan and follows the margin of said river up to the point distant three miles from Castillo Viejo; that the plan of said line be made, and all duly recorded day by day at the sessions.- The Nicaragua Commission argued that the work of measurement and of making the plan of that part of the boundary has no useful value or object because according to the Treaty of limits and the award of Gen. E.P. Alexander the boundary line consists of the margin of the Harbor and River and that this boundary consequently is a variable and not a fixed boundary and therefore the plans and details that would be obtained would never represent the true diving line.- Under these circumstances the two Commissions agreed to hear the decision of the Arbiter on this point; with which object will present to him their respective cases within the period of eight days”. – The respective arguments referred to have been received and duly considered. It must be stated for a clear comprehension of the question involved

that in the lower part of (this) its course the San Juan River runs through a flat and sandy delta and that it is plainly liable not only to gradual accretions and diminutions of its banks but even to entire changes of its channels. These changes may be more or less rapid and sudden from causes not always apparent and even without the occurrence of such special factors as earthquakes or great storms. Examples of former channels now abandoned and of banks changing today under gradual accretions or diminutions are abundant.- The boundary line of today must necessary be more or less affected in the future by all of these changes, gradual or sudden. But the effect in each case can only be determined by the circumstances of the case it arises under the principles of international law which may be applicable.- The proposed surveying and marking of the line as it exists today will have no effect upon de application of these principles. The fact that it has been surveyed and marked will neither increase nor decrease whatever legal stability it may have when not surveyed and not marked.- The sole result which can flow from surveying and marking is that the character and extent of all future changes can be more easily and definitely determined.- It cannot be denied that there are certain contingent advantages in this future ability to always find the original line. But a difference of opinion may very reasonable exist as to how much time and present expense should be incurred for the benefit of this contingent advantage.- This is the difference now existing between the two Commissions Costa Rica desires to have this future facility. Nicaragua considers the contingent benefit not worth the present expense.- In deciding whose views shall prevail, I must be governed by the letter and the spirit of the Treaty of 1858 if there is that in either which applies to the question. I find both in Article III. Article II has described the boundary line as a whole, from the Caribbean to the Pacific and Article III goes on as follows: "The measurements shall be made of this boundary line in whole or in part by Commissions of both Governments, after arrangements made by said Governments as to the time for carrying out the operation. The said Commissions shall have the power to diverge somewhat from the curve around Castillo, also from the line parallel to the banks of the river and of the lake or from the straight astronomical line between Sapoa and Salinas, provided that they can agree upon

this in order to adopt natural landmarks”. - This entire article is devoted to prescribing the completeness and accuracy with which the Commissioners shall execute their work.- It permits a departure from completeness; for its says the line may be measured “in whole or in part” and it permits a departure from accuracy if thereby natural landmarks may be secured. But the condition expressly attached in the latter case and plainly implied as well for the former, is that both Commissions shall be agreed.- Otherwise the line must be measured in full and with all practically attainable accuracy as it is described in Article II. Clearly then, the effect of any disagreement upon the question of a more or less complete survey must be that the wishes of the party desiring to make it most complete that must prevail.- I therefore announce as my award in this matter than the two Commissions shall next proceed to the measurement of the line from the initial point to the point three miles below Castillo Viejo as proposed by Costa Rica.- I am, gentlemen, very respectfully your obedient servant E.P. Alexander - Engineer Arbiter. Thus, the monument that marks the location of the initial point for the boundary line between the State of Nicaragua and the Republic of Costa Rica was considered inaugurated, in light of the visit by both Commissions to its location, accompanied by the Engineer Arbiter, and despite the fact that the granite cube had not yet been emplaced, the Portland cement base had already been erected at the spot designated by the first Arbitral Award, and when possible the abovementioned cube will be emplaced bearing its related bronze inscriptions in witness whereof we signed and approved these Proceedings under our seals.

E.P. Alexander

Andrés Navarrete

W. Climie

Leónidas Carranza

Salvador Castrillo

Proceedings IX

In the Town of San Juan del Norte, at one o'clock in the afternoon, on January the sixth of the year eighteen hundred ninety-eight.- The Commissions having met in the customary place, chaired by the Engineer Arbiter, the following was agreed: 1st- The following was accepted as translation of Award No. 2, which appeared in the previous Record = "Award N° 2 = San Juan del Norte December 20th, 1897.= To the Commissions of Limits of Nicaragua and Costa Rica= Gentlemen: In further pursuance of my duty as Engineer-Arbiter to your two honorable bodies I am called upon to decide the question submitted to me in your proceedings of the 7th instant as set forth in the following quotation from the official record: to wit: "the Commission of Costa Rica proposed to proceed to the measurement of the line which from the initial point follows the margin of Harbor Head and there by the margin of the nearest channel until it reaches the margin of the river proper of San Juan and follows the margin of said river up to the point distant three miles from Castillo Viejo; that the plan of said line be made; and all duly recorded day by day at the sessions.- The Nicaragua Commission argued that the work of measurement and of making the plan of that part of the boundary has no useful value or object because according to the Treaty of limits and the award of Gen. E.P. Alexander the boundary line consisted of the margin of the Harbor and River and that this boundary consequently was a variable and not a fixed boundary and therefore the plans and details that would be obtained would never represent the true dividing line.- Under these circumstances the two Commissions agreed to hear the decision of the Arbiter on this point; with which object they would present to him their respective cases within the period of eight days". – The respective arguments referred to have been received and duly considered. It must be stated for a clear comprehension of the question involved that in the lower part of its course the San Juan River runs through a flat and sandy delta and that it is plainly liable not only to gradual accretions and diminutions of its banks but even to entire changes of its channels. These changes may be more or less rapid and sudden from causes not always apparent and even without the occurrence of such

special factors as earthquakes or great storms. Examples of former channels now abandoned and of banks changing today under gradual accretions or diminutions are abundant. The boundary line of today must necessarily be more or less affected in the future by all of these changes gradual or sudden. But the effect in each case can only be determined by the circumstances of the case as it arises under the principles of international law which may be applicable. The proposed surveying and marking of the line as it exists today will have no effect upon the application of these principles. The fact that it has been surveyed and marked will neither increase nor decrease whatever legal stability it may have when not surveyed and not marked. The sole advantage of surveying and marking is that the character and extent of all future changes can be more easily and definitely determined. It cannot be denied that there is a certain contingent advantage in this future ability to always find the original line. But a difference of opinion may very reasonably exist as to how much time and present expense should be incurred for the benefit of this contingent advantage. This is the difference now existing between the two Commissions. Costa Rica desires to have this future facility. Nicaragua considers the contingent benefit not worth the present expense. In deciding whose views shall prevail, I must be governed by the letter and the spirit of the Treaty of 1858 if there is that in either which applies to the question. I find both in Article 3rd. Article 2nd has described the boundary line as a whole, from the Caribbean to the Pacific and Article 3rd goes on as follows: "The measurements shall be made of this boundary line in whole or in part by Commissions of the Governments, after arrangements made by said Governments as to the time for carrying out the operation. The said Commissions shall have the power to diverge somewhat from the curve around Castillo, also from the line parallel to the banks of the river and of the lake or from the straight astronomical line between Sapoa and Salinas, provided that they can agree upon this in order to adopt natural landmarks". = This entire article is devoted to prescribing the completeness and accuracy with which the Commissioners shall execute their work. It permits a departure from completeness; for it says the line may be measured "in whole or in part" and it permits a departure from accuracy if thereby

natural landmarks may be secured. But the condition expressly attached in the latter case and plainly implied as well for the former, is that both Commissions shall be agreed.- Otherwise the line must be measured in full and with all practically attainable accuracy as it is described in Article 2nd. Clearly then, the effect of any disagreement upon the question of a more or less complete survey must be that the wishes of the party desiring to make it most complete must prevail. I therefore announce as my award in this matter that the two Commissions shall next proceed to the measurement of the line from the initial point to the point three miles below Castillo Viejo as proposed by Costa Rica.- I am gentlemen very respectfully your obedient servant (F) E.P. Alexander - Engineer Arbitrator". 2nd Bearing in mind that, in the course of the work to be carried out in marking the boundaries and other topographical operations, it will be impossible to record daily proceedings, both Commissions and the Engineer Arbitrator agreed for the operations recorded in the field journals to be summarized and transcribed into the record books every week = in witness whereof we signed and approved these Proceedings under our seals.

E.P. Alexander

Andrés Navarrete

W. Climie

Leónidas Carranza

Salvador Castrillo

Proceedings X

In the Town of San Juan del Norte, at eight o'clock in the morning, on March the second of the year eighteen hundred ninety eight, in the customary place= the Commissioners for the State of Nicaragua being absent, as per their document dated January seventh of year eighteen hundred and ninety-eight, Engineer Andrés Navarrete, Commissioner representing the Government of Costa Rica, requested that, in compliance with Article V of the Matus Pacheco Convention of March the 27th 1896, the Engineer Arbitrator participate in the delimitation operations that should be carried out in the absence of those gentlemen= The delimitation

Commissions, being reincorporated with the participation of the Engineer Arbitrer, proceeded first and foremost to emplace the Monument that determined the Initial Point of the dividing line on the Coast of the Caribbean Sea, linking it with the center of Plaza Victoria in San Juan del Norte= To that end, the following operations were performed= Astronomical observations to determine the azimuths =

San Juan del Norte - January 1898

TABLE

Note= The measurements taken on January the 23rd were recorded using a small Hildebrand theodolite, where the horizontal axis is adjusted directly; while measurements on January the 30th and 31st were recorded using a Salmoraghi tachymeter, where the horizontal axis is adjusted inversely= As geographic position for measuring these azimuths, the one corresponding to triangulation pole M° III [sic] described below was used. Said pole was placed in front of the location once occupied by the Church of San Juan del Norte, for which the Tables of Connaissance des Temps (bureau des longitudes), Paris, 1897, give: latitude: 10°-55'-14" N. and longitude 86°-02'-19". Maxwell-1878-1895)= This Delimitation Commission adopted the above mentioned position, under every reserve, and as mere approximation aimed at deducing, in the various points of the line of operations, the elements needed to guide the alignments= The average of the foregoing calculations gives for the azimuths of the side (Δ-lighthouse) 153° 35' 50", therefore 153°-36' 00 is adopted as sufficient approximation"=These azimuths are measured according to Geodetic Datum in direction S.W.N.E., with zero at South= Triangulation aimed at linking the Initial Point Monument or first marker with the Center of Plaza Victoria in San Juan del Norte .

TABLE**CHART****TABLE**

The coordinates of the Monument or initial marker, taking as origin the center of Plaza Victoria in San Juan del Norte, therefore, are = $x = 4268.28$ East; $y = 2004.54$ North; astronomical Meridian; which results that the distance from the above mentioned center of the plaza to the aforementioned (marker) monument is 4715 – 55 (four thousand seven hundred fifteen meters fifty-five centimeters) with a geodetic azimuth of sexagesimal $244^{\circ} 50' 23''$ (two hundred forty-four degrees, fifty minutes, twenty-three seconds) = Therefore the bronze plate mentioned in Proceedings No. VI of October 2nd 1897 shall be sculpted, bearing the marker's coordinates and the following inscription = “This monument is located at a distance of 4715 - 55 with a geodetic azimuth of sexagesimal $244^{\circ} 50' 23''$ ” from the center of Plaza Victoria in San Juan del Norte” = It was also agreed to have reference markers emplaced in relation with the first monument, one on the opposite margin of the Harbor Head lagoon, at 1139 meters from the first in a location marked there, with an azimuth of $66^{\circ} 41' 05''$; and the other in the aforementioned center of Plaza Victoria in San Juan del Norte = The following type was agreed regarding the markers that will serve as reference points for the first monument, that is to say: for the first one on the right margin of the Harbor Head lagoon, an iron pipe, approximately 40 centimeters in diameter (filled with concrete) and two meters in length, buried one and a half meters and filled with concrete; for the second, in the center of Plaza Victoria in San Juan del Norte, the same iron pipe, buried so that its upper end appears at ground level = then, in compliance with the Award issued by the Engineer Arbiter on December the 20th of 1897, the boundary line was measured as described in the Award of September

30th of 1897, starting from the initial marker, following around the Harbor and through the first channel met up to the river proper, and through this until pole No. 40 next to the source of the Taura River = (then, in compliance with the Award of December 20th of 1897 by the Engineer Arbiter) Said operations and their results are shown in the following table = Survey of the right margin of the Harbor Head lagoon and of the San Juan River, which constitute the dividing line between Costa Rica and Nicaragua =

TABLE

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TABLE

TABLE

TABLE

TABLE

Note: The abscissas or X are considered from East to West, while the Y or ordinates from North to South.= It should be noted that in the columns entitled "Points observed) the Arabic numerals accompanied by the letter "b" (abbreviation of "bis") correspond to points located in the territory of Nicaragua that were surveyed solely for the purpose of aiding the operations:- points whose numerals are not accompanied by the letter "f" are located on the dividing line between both countries.- The angles were obtained by calculating the average of various observations".- It was pointed out that, for greater clarity and with the permission of the Engineer Arbiter, it was agreed to include the results of the dividing line survey in the official records in small segments, instead of daily,

which will also facilitate correcting the operations as necessary; and to position each point of the polygonal directrix linking them directly with the initial marker by rectilinear coordinates, whose zero or origin is assumed to be that monument.- And for the purposes of Art. 8 of the Matus – Pacheco Convention, we confirm all of the foregoing in these proceedings, which we sign and approve under our seals.- Corrigendum = On page 28 line 23 between the words “geographic” and “the one corresponding”, read “position of the observation”.- On page 28 line 30, between the words “pole” and “was”, read “No. III”.- And on page 28 line 21 the words “filled with concrete” are void.- On page 31, line 32, up to 34, the words “(then... “ up to “Arbiter”) are void.- On page 31 line 41 the numerals “365.83” = 323.90 = 170. 06 = written over what was erased are valid. On page 32 line 11 the numeral $66^{\circ}10'00''$ = written over what was erased is valid. On page 32 line 12 the $77^{\circ}13'00''$ written over what was erased is valid = on page 32, line 13, amendment $46^{\circ}37'00''$, is valid.= On page 35 line 26 in the “horizontal angles” column, read $189^{\circ}31'40''$ = In the following line of the same column read $323^{\circ}08'40''$, and in the following line of the same column read $345^{\circ}38'40''$ - On page 36 line 7, 13, 14, of the azimuths column, the crossed out figures are void.***

E.P. Alexander

Andrés Navarrete

Proceedings XI

In the Town of San Juan del Norte, at eight o'clock in the morning, on March the twenty-sixth of (1898) eighteen hundred ninety-eight, in the customary place, with the presence of Commissioners Salvador Castrillo and Engineer Andrés Navarrete, the former on behalf of Nicaragua and the latter on behalf of Costa Rica, and the Engineer Arbiter; Mister Castrillo – made it known that the prior absence of the Nicaraguan Commissioners was explained in the documents of January 7th last and this March the 16th, and that during their absence every

assistance was given to enable carrying out the survey and marking operations, since these were carried out by Nicaraguan employees under their instructions; and an Engineer, in conjunction with the Commissioner for Costa Rica, participated, and both Commissioners stated that, just as up to this point, in spite of the strained relations of both countries, they had been able to freely continue to perform their duties, they intended to continue to move forward and stated that the geodetic operations carried out on the right bank of the river, dividing line between Nicaragua and Costa Rica, following its circumvolutions up to the mouth of the Colorado or through its source, are as copied hereunder in the following table:

TABLE

TABLE

TABLE

TABLE

TABLE

TABLE

Any currently missing calculations would be filled in as soon as made, since, on the holidays, when field work could not be performed, the time was devoted to that work, and Commissioner Navarrete would meanwhile be able to go to Costa Rica to bring back the piece of granite for crowning the initial marker; all parties present signed these proceedings after making it known that in response to Commissioner Castrillo's request to the Arbiter on the sixteenth of this month, the latter gentleman issued and notified the third Award, which would be included in the following proceedings.- Note: On page 41, between lines 3 and 4, the line that reads "52-31-0°00'00" – is valid.

E.P. Alexander

Andrés Navarrete

Salvador Castrillo

CHART**CHART****CHART****Proceedings XII**

In the Town of San Juan del Norte, in the customary place, on April the twelfth of eighteen hundred ninety-eight, the Nicaraguan Commissioner Salvador Castrillo, in conjunction with Arbiter General E.P. Alexander, who, in compliance with the Matus-Pacheco Treaty, reintegrated the Commission of Limits with all the powers as if the other Commissioners had been present, made it known that Award No. 3, issued by the Arbiter on March the twenty- second and notified to both Commissions on the twenty fifth of that month was as follows “Award N°3= San Juan del Norte March 22nd, 1898 = To the Commission of Limits of Nicaragua and Costa Rica.= Gentlemen: = In stating the reasons influencing me in my Award N°2 I referred briefly to the fact that, en accordance with well known precepts of International Law, the exact location of the Boundary Line now being refined by this Commission along the right bank of the San Juan may be altered in the future by possible changes in the banks or channels of the river.- I am now requested by the Nicaraguan Commission at present on duty with the Commission to supplement this Award with a more exact declaration of the legal character and permanence, or stability of this line as it is now being defined and measured from day to day.- Practically I am asked to declare that this line will retain its character as the exact boundary line only so long as the water in the river retains its present level, and that the boundary line any future day will be determined by the height of the water on that day.- The argument advanced in support of this proposition is as follows: “I do not think it necessary, at this time to make a superfluously

precise dissertation on the meaning of the “course” or “bed” of a river; it is all that zone of territory in which the water runs in greater or lesser volume, nevertheless I will recall the doctrine of the Expanders of the Rights of Nations, which is summed up by don Carlos Calvo in his book “Le Droit International Teorique et Pratique”, Lib. 4. S.295, page 385 in these words: “Frontiers that are marked out by currents of water are subject to variations when their beds undergo changes...”- Moreover I assert that Modern Codes agree with the doctrine that the ground which a river or lake, periodically covers and uncovers does not become necessary to the neighboring land since it is the bed of its waters. This too is shown in the Civil Code of Honduras in these words: “The ground which the water alternately occupies and disoccupies in its periodic rise and fall, does not become accessory to the adjoining. (Article 728) – “-It is self-evident, therefore, that the mathematically correct line which has been, and which under similar circumstances may after be run, can serve as an illustration and reference of more or less utility, but by no means as an exact representation of the diving boundary, which is, always be, the right bank of the river, in whatsoever it may be, at any given time.”- This argument of the Commissioner, taken in connection with the request contained in his letter, as stated above, indicates a mistaken conception which it is important to correct. - It is strictly true that the “right bank of the river in whatever form it may be” will always fix the boundary line, boy the Commissioner evidently misconceives that the legal location of the line defining the bank of a river will vary with the height of the water in the river. The word “bank” is, indeed, often loosely applied in conversation to the first dry ground rising above the water, but the inaccuracy of such use becomes apparent if we consider the cases where rivers overflow their banks for many miles, or where their beds go entirely dry. Such an indefinite use of the word is not permissible in the interpretation of a Treaty defining a boundary line. The object of every boundary line is to promote peace by preventing conflicts of jurisdiction. To accomplish this it must possess all attainable stability.- It would plainly be an intolerable state of affairs to residents and owners of property near the borders of two countries, if the line that determined to which country one owed his

allegiance and taxes, and whose laws governed all his affairs, should alternately sweep back and forth, such a line would be a device for breeding trouble, instead of one to prevent it. It is not necessary to illustrate the difficulties which would arise, for instance, if certain lands and forests, and their owners, and residents or people employed in any way there in, were required to be Costa Rican's in dry seasons, and Nicaraguans in wet, and alternately one and the other in intermediate times. But exactly such difficulties would be inevitable should the boundary line between these two countries be the daily shifting edge where the dry land first rises above the water on the Costa Rican side. For in the rainy season the river water overflows the land for many miles in certain localities.- It is for these reasons that writers upon International Law expressly state that temporary overflows do not carry title to the overflowed land that is the true meaning of the quotation made by the Nicaraguan Commissioner from the Code of Honduras. Applied to this case it is as though it read: "The Costa Rican ground which the Nicaraguan water alternately occupies and disoccupies, in its periodical rise and fall, does not become accessory to the adjoining (Nicaragua hereditaments-"In further proof of the universality of this rule did time permit to send for details, I could quote a great number of cases from the United States where there are many instances of States separated by rivers; one of the banks, and not the thread of the stream, being the boundary. With one such case I am personally familiar, where the left bank of the Savannah River constitutes the boundary line between Georgia, on the right, and South Carolina, on the left. In times of freshet the river covers miles of South Carolina territory but does not carry Georgia law or jurisdiction beyond the ordinary law water mark- To do so would be of no advantage to Georgia, and unbearable to South Carolina – Nor can I believe that there exists in the world an example of such a shifting boundary.- Clearly, then, wherever a treaty designates that the bank of a river shall be taken as a boundary, what is intended is not the temporary edges of dry land left uncovered in extraordinary stages of the water, either high or low, but the bank at an ordinary stage of water. And where it is once defined by agreement it becomes permanent as the surface of the soil on which it runs.- Should the bank waste away it recedes,

should the bank grow faster into the it advances.- Periodical high and low waters do not affect it. And this entirely agrees with the precept of don Carlos Calvo quoted by the Nicaraguan Commissioner. "Frontiers that are marked out by currents of water and subject of variations when their beds undergo changes." In other words it is the "bed" that governs and not the level of the water in it, or over it, or under it. Is to possible future changes of beds or banks, and their effects it would be vain to attempt to discuss all and misleading to discuss any which may possibly occur.- It is not the function of this Commission to lay down rules for future contingencies but to define and mark the boundary of the present day.- To line up then briefly, and for the clearer understanding of the whole matter, and also in accordance with the principle announced in my first award that in the practical interpretation of Treaty of 1858, the San Juan River must be treated as a navigable waterway, I hereby declare the exact line of division between the jurisdictions of the two countries to be the edge of the water upon the right bank, when the river is at an ordinary stage but still navigable by the vessels or boats in general use. In this stage every bit of the water in the river is in the jurisdiction of Nicaragua. Every bit of land on the right bank is in the jurisdiction of Costa Rica – The survey and location now being made by the party in the field from day to day determines points upon this line at convenient intervals, but the boundary line between these points does not run by straight lines but by the waters edge of the navigable stage as above stated, thus making a crooked line of innumerable irregularities which it would be of great expense and little value to trace minutely.- Variations of the water level will not alter the location of the boundary line but changes of the banks or channels of the river will alter it as way be determined by precepts of International Law applicable to each case as it may arise. I am gentlemen, very respectfully your obedient servant = E.P. Alexander = "It was also made known that the calculations were made and their results were entered in their respective columns; and that the plan foregoing these proceedings represented the measured line - These Proceedings were signed and approved under their seals.- Note- Between the 2nd and 3rd lines of page 48 the words "at eight o'clock in the morning" are valid.

Proceedings XIII

In the Town of San Juan del Norte, on May the thirty first of eighteen hundred ninety-eight, in the customary place- in the absence of Costa Rica's Commissioners, with the presence of Mister Salvador Castrillo on behalf of Nicaragua, in conjunction with the Arbiter General E.P. Alexander, with every power as if the other Commissioners were present, in compliance with the Matus – Pacheco Treaty, it was made known that the geodetic operations performed starting from the point next to the source of the Colorado, last mentioned in Proceedings XI, and continued by the aforementioned Commissioner Castrillo along the river, following its circumvolutions, in order to determine the line of the right margin, which is the dividing line between the two countries, are as shown in the following table, which reaches the point called Tamborcito.

TABLE***PAGE 51 ENDS***

Final Proceedings No. XXVII

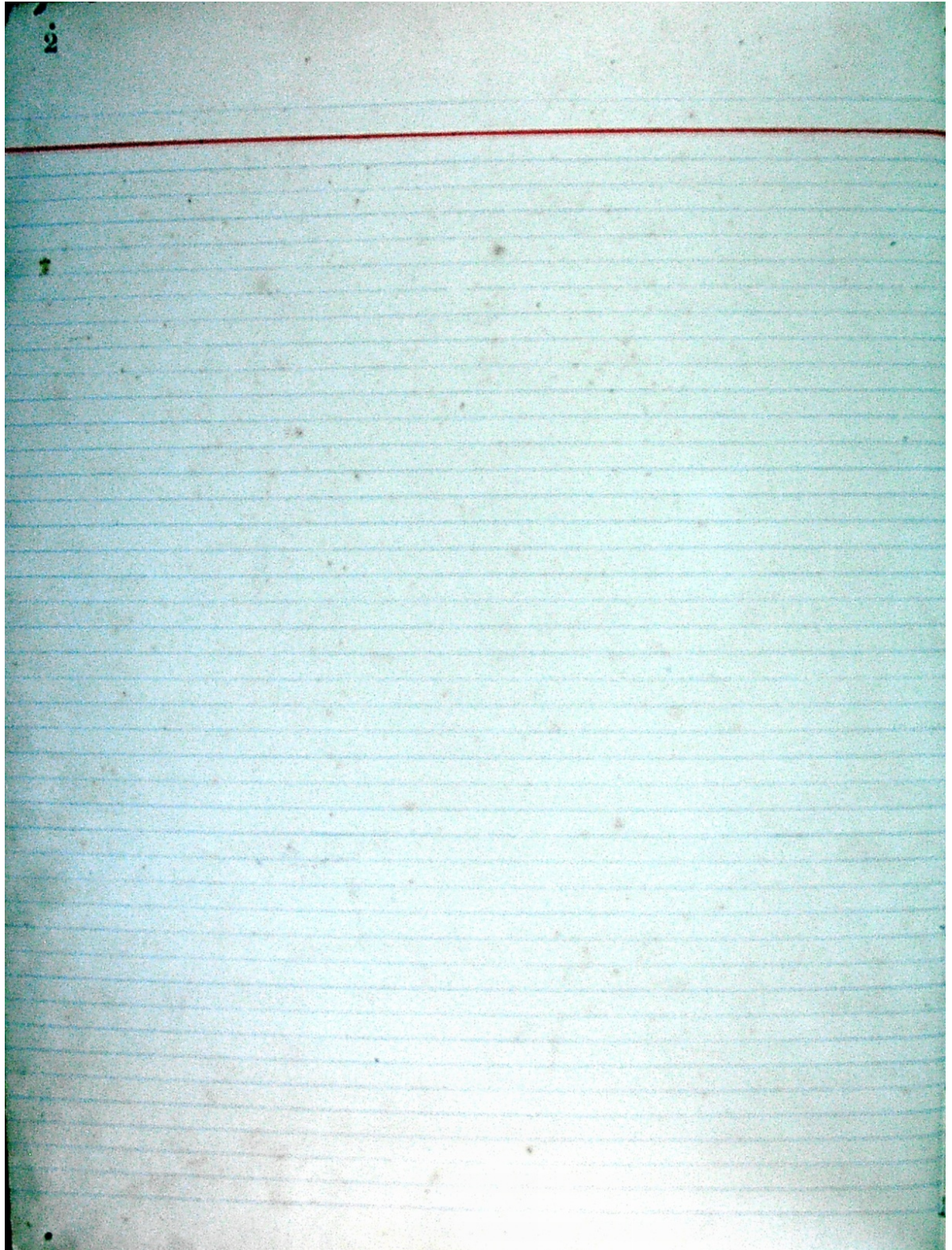
In the City of Managua in the Congress Meeting Room on July the twenty-fourth of the year nineteen hundred.- The Boundary Commissions for Nicaragua and Costa Rica met, with the presence of Engineer Arbitrator General E.P. Alexander, for the important purpose of holding the final proceedings that closes their business and concludes all operations started in May of the year (nineteen) eighteen hundred ninety-seven, defining the boundary line between the two aforementioned Republics, and for this purpose, by unanimous agreement, state:

1st The dividing line between Nicaragua and Costa Rica is definitely marked from the initial point in the Atlantic, in Punta de Castilla, in the place designated in Arbitral Award No. 1; and continues marked (by) with the right margin of the coast of Harbor Head Lagoon, continues (by) with the right margin of the first channel found there, and continues (by) with the one of the San Juan River, up to the point located three English miles from the external fortifications of Castillo Viejo: all of the above in compliance with the geodetic operations and layout plans included in the respective proceedings: It then continues around the castle, as marked in the respective proceedings; and continues parallel to the river and lake at the distance calculated and also indicated in the proceedings. It reaches the point of Sapoa River, located two miles from the Lake; and follows the astronomical line as far as the coast of Salinas Bay in the direction of its central point, according to the mathematical position recorded in the layout plan.- This demarcation is recorded in three copies, composed of two volumes each, of which two copies are written in Spanish and one in English; signed and sealed in compliance with the Matus – Pacheco Treaty; the Spanish copies will be delivered one to each government of the two aforementioned Republics, while the third, written in English, will be delivered by the Arbitrator to the Government of the United States of America.- 2nd With this demarcation all the matters that the Republics of Nicaragua and Costa Rica have had between them until now due to undefined borders are settled.- 3rd The Commissions entrust the construction of eight markers, which have not yet been constructed; to Treasurer Amadeo Quirós

F, who will charge the expenses to both Governments.- 4th In concluding their duties, the Commissioners of the two Republics, on behalf of their respective Governments, express the gratitude of both countries to Engineer Arbiter General E.P. Alexander, for the good will and (gratitude) rectitude with which he carried out his assignment.- 5th Since the duties assigned to them are completed, the Commissions dissolve on this date; signing and authorizing these proceedings with their respective seals.- Note: On page 60, line 8, where it reads (nine hundred) read eight hundred; on the same page, on lines 14,15 and 16, where it reads (by) read with; and on line 39, of the same page, the word (gratitude) is void.- 6th and final: The Engineer Arbiter, in affixing his hand and seal, feels compelled to express his fervent and deep esteem for the acquiescence and prompt compliance with which all his awards were received by both governments, without any remarks, and for the excellent work done by his loyal and accomplished engineers, who were responsible for the demarcation, and who overcame great difficulties; and most particularly for the good will, good sense and good judgment displayed by both Commissions, who ironed out small differences and reduced to a minimum the number of far reaching matters submitted to judgment. E.P. Alexander / Salvador Castrillo / Lucas Hernández, Ing. and J. Andrés Urtrecho.

Comision de Costa Rica





Acta de inauguración de los trabajos de demarcación de límites entre Costa Rica y Nicaragua

En San Juan del Norte de la República Mayor de Centro América, el día quince de Mayo de mil ochocientos noventa y siete, reunidos los señores Ingenieros Luis Matamoros y Leopoldo Baranza, Comisionados del Gobierno de Costa Rica, y Salvador Castañeda y W. Clinie, Comisionados del Gobierno de Nicaragua, para hacer y hacer hacer definitivamente la línea divisoria entre ambos países, se conforjó el día 15 de abril de 1858, el Tratado de Límites de 15 de abril de 1858, y el Tratado de Límites del señor General Cleveland, Presidente de los Estados Unidos de América, con asistencia del señor Ingeniero Abate General C. P. Alexander, nombrado por el aludido señor Presidente de los Estados Unidos con el objeto de integrar dichas Comisiones y resolver las dificultades de que trata el Art. II de la Convención celebrada en San Salvador el 27 de Marzo de 1854; exhibidas las respectivas credenciales, que encontramos en la debida forma, declaramos instaladas e integradas las Comisiones, y dando por inaugurados en esta fecha los trabajos que se nos han encomendado; y se acuerda visitar inmediatamente los lugares relacionados con el punto de partida de la línea frontera, como acto preliminar para la fijación de dicho punto de partida, y se acuerda esta acta por duplicado en los libros correspondientes firmada y provisionalmente sellada por cada uno de los Comisionados y por el Ingeniero Abate, y siendo uno de los ejemplares en el idioma inglés. Luis Matamoros - Leopoldo Baranza Salvador Castañeda W. Clinie

C. P. Alexander



Acta II

El año mil ochocientos noventa y siete y a los cinco días del mes de junio, a las nueve de la mañana en San Juan del Norte y en la casa del Abate señor General C. P. Alexander, reunidos las Comisiones de Límites entre Nicaragua y Costa Rica, declaramos que en el acta precedente se cometió error al referirse a la que se presenta los derechos de Nicaragua, pues se dijo que es del Gobierno de Nicaragua, debiendo haberse dicho nombrado por la Dicta de la República Mayor por parte del Estado de Nicaragua; pues así

conata de la credencial correspondiente. Regula esta rectificación, se proce-
 de a hacer constar que los días que se han transcurrido desde la prome-
 sa a la referida se han empleado en practicar inspecciones y en estudios
 de mapas y documentos; y creyendo ya ambas Comisiones que han recogido
 los datos y adquirido el conocimiento claro de la cuestión, primera que
 se ofrece para poner en práctica su cometido, y, no estando de acuer-
 do con la interpretación de artículo que establece el punto de partida y
 la demarcación de la línea hasta el siguiente punto, convienen en presen-
 tar al Arzobispo al medio día de catorce del presente mes una expo-
 sición en que se den los fundamentos que tiene cada una de las Co-
 misiones para señalar distinto lugar donde debe considerarse situado el
 punto de partida de la línea divisoria entre ambos territorios comen-
 zando en este lado del Atlántico; y cómo debe continuar la línea
 hasta el segundo punto señalado en el Río. Convienen también en que
 dichas exposiciones sean presentadas en dos ejemplares a fin de que el
 Arzobispo conserve uno, y de que el otro sea recibido respectivamente por
 la otra Comisión, quien lo tendrá en su poder, hasta el último del
 presente mes de junio, día en que cada Comisión deberá presentar
 al Arzobispo su alegato contestando la exposición contraria. Este convenio
 no obsta para que posteriormente a sus alegatos y exposiciones, pre-
 den ambas Comisiones acumular datos, y ofrecer al Arzobispo todo medio
 posterior de obtener el acuerdo; pero el Arzobispo dará conocimiento a la
 otra Comisión de la nueva solicitud con un término prudencial, fija-
 do por el Arzobispo, a fin de que haya ella la rectificación convenien-
 te. Las Comisiones esperan del señor Arzobispo que, después de estudiar
 si los documentos, exposiciones y alegatos, y cuando hubiese formado
 juicio para resolver, se dignare comunicarlo simultáneamente a am-
 bus, para el efecto de oír y cumplir su Laudo.

En presente el Arzobispo señor General O. J. Alexander, en
 virtud de la presente acta, la autoriza con nosotros firmándola y
 sellándola en la fecha ya expresada. Nota. En la línea ventidosa de
 esta folio la palabra "posterior" no vale. - Luis Matamoros Lázaro Laranga

Salvador Castille Sr. Clivio

E. P. Alexander



Acta III

En la ciudad de San Juan del Norte, a los catorce dias del mes de Junio de mil ochocientos noventa y siete, en el local donde habita el Señor Arbitro, General E. P. Alexander y con asistencia de este Señor, reunidas las Comisiones, presentaron cada una de ellas en dos ejemplares la exposicion de que se habla en el acta precedente de cinco del presente mes; y en consecuencia cada una de dichas comisiones recibo un ejemplar de la exposicion respectivamente contraria, quedando en poder del arbitro el otro ejemplar. - Se hace constar: que un ejemplar de la exposicion por parte de Nicaragua es de treinta y nueve paginas y el otro de treinta y ocho paginas, de los cuales recibe la Comision de Costa Rica el de treinta y nueve: que la exposicion de la Comision Costarricense consta de cuarenta y una paginas: que tambien presento la Comision Costarricense dos mapas levantados por ella con sus cartas correspondientes, y una coleccion de nueve planos de distintas epocas que se relacionan con la cuestion: y que la de Nicaragua presento el mapa y los ejemplares del pacto, laudo y tratado de que habla la nota al pie de la exposicion. - Firmamos todos, sellando esta acta con nuestros sellos. Hacemos constar que los dos mapas, presentados por la Comision Costarricense como levantados por ella, son dos ejemplares de un solo mapa.

E. P. Alexander

Salvador Castañeda

Luis Matamoros



León Barahona

W. Clive



Acta IV

En la Ciudad de San Juan del Norte, a las cinco de la tarde del treinta de Junio de mil ochocientos noventa y siete. Reunidas las Comisiones de Limites de ambas Repùblicas, con asistencia del Señor Arbitro General Alexander, cada una de ellas presento su respectivo alegato en contestacion a la exposicion contraria del catorce del mes que fina hoy; y por convenio mutuo fueron recibidos el de la Repùblica de Costa

ta Rica por la de Nicaragua, y el de esta por la otra Comisión para el efecto solamente de copiar el alegato contrario, pero no de presentar ninguna otra Réplica, pues quedan cerrados los debates, y solamente se podrán presentar datos, como está acordado en el acta del cinco del mismo mes de Junio. En esta fecha las respectivas Comisiones devolvieron la exposición contraria; pero llevan el Alegato contrario para el efecto mencionado; y se hace constar que el alegato de la Comisión Nicaragüense tiene sesenta páginas, y el de la Costarricense tiene sesenta y siete. Convienen así mismo en figurar todo el mes de Julio próximo para la presentación al Señor Arbitro de los respectivos documentos traducidos al Inglés. Sellan y firman todos en la fecha aludida. — Luis Matamoros X Lázaro Barahona X Salvador Castriotto X W. Christie



Acta V.

En la Ciudad de San Juan del Norte, a las dos de la tarde del día treinta de Setiembre de mil ochocientos noventa y siete. — A convocatoria del Señor Arbitro General E. P. Alexander, reunidas en el local de costumbre las Comisiones de Nicaragua y Costa Rica, el Señor Arbitro notificó su sentencia sobre la cuestión establecida, la cual, copiada a la letra dice: "San Juan del Norte, Nic. September 30. 1897. — To the Commissions of Limits of Costa Rica and Nicaragua. — Gentlemen: In pursuance of the duties assigned me by my Commission from the President of the United States as Engineer Arbitrator to your two bodies, with the power to decide finally any points of difference that may arise in tracing and marking out the Boundary Line between the two Republics, I have given careful study and consideration to all the arguments, counter-arguments, maps, and documents submitted to me in the matter of the proper location of the initial point of the said Boundary Line upon the Caribbean Coast. — The conclusion at which I have arrived and the award I am about to make do not accord with the views of either commission. — So in deference to the very excellent and earnest arguments, so faithfully and loyally urged by each commission for its respective side, I will indicate briefly my line of thought."

and the considerations which have seemed to me to be paramount in determining the question. - And of these considerations the principal, and the controlling one, is that we are to interpret and give effect to the treaty of April 15, 1858, in the way in which it was mutually understood, at the time, by its makers. - Each commission has presented an elaborate and well argued contention that the language of that treaty is consistent with its claim for a location of the initial point of the boundary line at a place which would give to its country great advantages. - These points are over six (6) miles apart, and are indicated on the map accompanying this award. - The Costa Rican claim is located on the left hand shore or East Headland of the harbor; the Nicaraguan on the East Headland of the mouth of the Saura branch. - Without attempting to reply in detail to every argument advanced by either side in support of its respective claim, all will be met, and sufficiently answered, by showing that those who made the treaty mutually understood and had in view another point, to-wit, the Eastern Headland at the mouth of the harbor. - It is the meaning of the men who framed the treaty which we are to seek, rather than some possible meaning which can be forced upon isolated words or sentences. - And this meaning of the men seems to me abundantly plain and obvious. - This treaty was not made hastily or carelessly. - Each State had been wrought up by years of fruitless negotiations, to a state of readiness for war in defense of what it considered its rights, as is set forth in Article I. - In fact war had actually been declared by Nicaragua, on November 25, 1854, when through the mediation of the Republic of Salvador, a final effort to avert it was made, another Convention was held and this treaty resulted. - Now, we may arrive at the mutual understanding finally reached by its framers, by first seeking in the treaty as a whole, for the general idea, or scheme of compromise, upon which they were able to agree. - Next, we must see that this general idea of the treaty harmonizes fully with any description of the line given in detail, and the proper names of all the localities used, or not used, in connection therewith. - For the non-use of some names may be as significant as the use of others. - Now, from the general consideration of the treaty as a whole, the scheme of compromise stands out clear and simple. - Costa Rica was to have as a boundary line the right, or southeast, bank of the river, considered as an outlet for commerce, from a point three (3) miles below Castillo to the sea. - Nicaragua was to have her prized "sumo imperio" of all the waters of this same outlet for commerce, also unbroken to the sea. - It is to be noted that

This division implied also, of course, the ownership of all islands in the river and of the left or northwest bank and headland by Nicaragua. This division brings the boundary line, (supposing it to be traced downward along the right bank, from the point near Castilla,) across both the Colorado and the Taura branches. - It cannot follow either of them, for neither is an outlet for commerce, as neither has a harbor at its mouth. - It must follow the remaining branch, the one called the Lower San Juan, through its harbor, and into the sea. - The natural terminus of that line is the right hand headland of the Harbor mouth. - Next let us note the language of description used in the Treaty, telling whence the line is to start and how it is to run, leaving out for the moment the proper name applied to the initial point. - It is to start "at the mouth of the River San Juan de Nicaragua, and shall continue following the right bank of the said river, to a point three (3) English miles from Castilla Vieja." - This language is evidently carefully considered and precise, and there is but one starting point possible for such a line and that is at the right headland of the Bay. - Lastly we come to the proper name applied to the starting point 'the extremity of Punta de Castilla.' - This name, Punta de Castilla, does not appear upon a single one of all the original maps of the Bay of San Juan which have been produced by either side and which seem to include all that were ever published before the treaty, or since. - This is a significant fact and its meaning is obvious. - Punta de Castilla must have been, and must have remained, a point of no importance, political or commercial. - Otherwise it could not possibly have so utterly escaped note or mention upon the maps. - This agrees entirely with the characteristics of the mainland and headland on the right of the bay. - It remains, until to-day, obscure and unoccupied, except by the hut of a fisherman. - But the identification of the locality is still further put beyond all question by the incidental mention, in another Article of the Treaty itself, of the name Punta de Castilla. - In Article V, Costa Rica agrees temporarily to permit Nicaragua to use her side of the harbor without payment of port dues, and the name Punta de Castilla is plainly applied to it. - Thus we have, concurring, the general idea of compromise in the Treaty as a whole, the literal description of the line in detail, and the verification of the name applied to the initial point by its incidental mention in another portion of the Treaty, and by the concurrent testimony of every map-maker of every nation.

before the treaty and since, in excluding this name from all other portions of the harbor - this might seem to be sufficient argument upon the subject, but it will present the whole situation in a still clearer light to give a brief explanation of the local geography, and of one special peculiarity of this Bay of San Juan. - "The great feature in the local geography of this Bay, since our earliest accounts of it, has been the existence of an island in its outlet, called on some early maps the island of San Juan. - It was an island of such importance as to have been mentioned in 1820 by two distinguished authors quoted in the Costa Rican reply to Nicaragua's argument: (Page 12), and it is an island to-day, and so appears in the map accompanying this award. - The peculiarity of this Bay, to be noted, is that the river brings down very little water during the annual dry season. - When that happens, particularly of late years, sand bars, dry at all ordinary tides but submerged, more or less, and broken over by the waves at all high ones, are formed, frequently reaching the adjacent headlands so that a man might cross dry shod. - Now the whole claim of Costa Rica is based upon the assumption that on April 15, 1858, the date of the treaty, a connection existed between the island and the Eastern Headland, and that this converted the island into mainland, and carried the initial point of the boundary over to the western extremity of the island. - To this claim there are at least two replies, either one seeming to me conclusive. - First, the exact state of the bar on that day can not be definitely proven, which would seem to be necessary before drawing important conclusions. - However, as the date was near the end of the dry season it is most probable that there was such a sand bar connection between the island and the eastern or Costa Rican shore, as has been described. - But even if that be true, it would be unreasonable to suppose that such temporary connection could operate to change permanently the geographical character, and political ownership of the island. - The same principle, if allowed, would give to Costa Rica every island in the river to which sand bars from her shore had made out during that dry season. - But throughout the treaty, the river is treated and regarded as an outlet of commerce. - This implies that it is to be considered as in average condition of water, in which condition, alone, is it navigable. - But the overwhelming consideration in the matter is that by the use of the name Punta de Castilla for the starting point, instead of the name Punta Arenas, the makers of the treaty intended to designate the mainland on the east of the harbor. - This has already been discussed, but no direct reply was

made to the argument of Costa Rica quoting three authors as applying the name Punta de Castilla to the western extremity of the before mentioned island, the point invariably called Point Arenas by all the naval and other officers, surveyors and engineers who were mapped it. — These authors are L. Montúfar, a Guatemalan, in 1887; J. D. Gamra a Nicaraguan, in 1889; and E. G. Squier, an American, date not given exactly, but subsequent to the treaty. — Even of these, the last two merely used, once each, the name Punta de Castilla as an alternate for Punta Arenas. — Against this array of authority we have first, an innumerable number of other writers clearly far more entitled to confidence; second, the original makers of all the maps, as before pointed out; and third, the framers of the treaty itself, by their use of Punta de Castilla in Article V. —

— It must be borne in mind that, for some years before the making of this treaty, Punta Arenas had been by far the most important and conspicuous point in the Bay. — On it were located the wharves, workshops, offices &c., of Vanderbilt's great Transit Company, conducting the through line from New York to San Francisco during the gold excitement of the early fifties. — Here the ocean and river steamers met and exchanged passengers and cargo. — This was the point sought to be controlled by Walker and the filibusters. — The village of San Juan cut no figure at all in comparison, and it would, doubtless, be easy to produce by hundreds references to this point as Punta Arenas by naval and diplomatic officers of all prominent nations, by prominent residents and officials, and by engineers and surveyors constantly investigating the Canal problem, and all having personal knowledge of the locality. — In view of all these circumstances, the jealousy with which each party to the treaty divided what it gave up and what it kept, the prominence and importance of the locality, the concurrence of all the original maps in the name, and its universal notoriety, I find it impossible to conceive that Nicaragua had conceded this extensive and important territory to Costa Rica, and that the latter's representative had failed to have the name Punta Arenas appear anywhere in the treaty. — And for reasons so similar that it is unnecessary to repeat them, it is also impossible to conceive that Costa Rica should have accepted the Taura as her boundary, and that Nicaragua's representative should have entirely failed to have the name Taura appear anywhere in the treaty. — Having then designated generally the mainland East of Harbor Head as the location of the initial point of the boundary line it now becomes necessary to specify more minutely, in order

that the said line may be exactly located and permanently marked. — The exact location of the initial point is given in President Cleveland's award as the "extremity of Punta de Castilla, at the mouth of the San Juan de Nicaragua river, as they both existed on the 15th of April 1858." — A careful study of all available maps and comparisons between those made before the Treaty and those of recent date made by Boards of Engineers and officers of The Canal Company, and one of to-day made by yourselves to accompany this award, makes very clear one fact. — The exact spot which was the extremity of the headland of Punta de Castilla, April 15, 1858, has now long been swept over by the Caribbean Sea, and there is too little concurrence in the shore outline of the old maps to permit any certainty of statement of distance or exact direction to it from the present headland. —

It was somewhere to the northeastward and probably between six-hundred (600) and sixteen-hundred (1600) feet distant, but it can not now be certainly located.

— Under these circumstances, it best fulfills the demands of the Treaty and of President Cleveland's award to adopt what is, practically, the Headland of to-day; or the Northwestern extremity of what seems to be the solid land, on the east side of Harbor Head Lagoon. — I have accordingly made personal inspection of this ground, and declare the initial line of the boundary to run as follows, to-wit: Its direction shall be due northeast and southwest, across the bank of sand, from the Caribbean Sea into the waters of Harbor Head Lagoon. — It shall pass, at its nearest point, three hundred (300) feet on the northwest side from the small hut now standing in that vicinity. —

— On reaching the waters of Harbor Head Lagoon the Boundary Line shall turn to the left, or southeastward, and shall follow the water's edge around the Harbor until it reaches the river proper by the first channel met. — Up this channel, and up the river proper, the line shall continue to ascend as directed in the Treaty. — I am, Gentlemen, very respectfully your obedient servant, C. P. Alexander. — Hay un sello que dice: "Costa Rica - Nicaragua - Boundary Commission. — C. P. Alexander, Engineer Arbitrator." — En cumplimiento de lo establecido en el Artículo IX de la Convención Matanzas-Pacheco de 27 de Marzo de 1896, yo el Arbitro, junto con ambas Comisiones, firmamos y autorizamos con nuestros respectivos sellos (por triplicado) la presente acta. — Nota: en la

12

pagina 8, linea 16, la palabra "miles" entre parentesis debe suprimirse.
 se. - En la pagina 7, linea 11, la palabra "East" debe leerse "West."

San Matapuro



L. C. Larraz

E. P. Alexander



W. Clinic

Salvador Castrillo



Acta VI.

En la Ciudad de San Juan del Norte a las cuatro de la tarde del día dos de Octubre de mil ochocientos noventa y siete. - Reunidas en el local de costumbre las Comisiones de Límites entre Costa Rica y Nicaragua, y presente el Arbitro General E. P. Alexander, seccion constar que habiendo procedido a la inspeccion personal del lugar designado por el Arbitro para el arranque de la linea divisoria, conforme a lo dispuesto en el Llamado inserto en el acta anterior, el Señor Arbitro fija el punto para la colocacion del monumento que servira de mojón en la costa Atlantica, el cual punto queda señalade provisoriamente por una recta de trescientos pies ingleses medidos desde el rancho a que se refiere la sentencia arbitral y sobre la direccion que adelante se dira. - En el ranchito se hicieron las siguientes observaciones provisionales:

Alturas del Sol	Azimuths	Horas Aproxim.	Observaciones
13° 52' 30"	98° 41'	11 ^h 24 ^m	Límite inferior del Sol.
15° 59'	103° 07'	11 ^h 56' 50"	
15° 16' 30"	110° 49'	11 ^h 42' 50"	
15° 07' 30"	115° 01'		

Al continuation se tomaron las siguientes Azimuths: Del mismo ranchito:

Al punto mas alto de la montaña de Monkey Point (Punto de mono)	89° 05'
A la isla frente a Monkey Point.	92° 24'
Al islote semejante a un árbol en el mar.	93° 56'
Al cerro común en direccion a Rio Indio	111° 29' (150° 52')

Al verdadero punto de avangue de la línea divisoria que está treinta pies del ranchito. 50° 52'
 - acuerdan las Comisiones el siguiente tipo para el Monumento que se construirá en el ranchito: Sobre una plataforma circular de concreto de cemento de dos pies y medio de espesor por un diámetro de seis pies y medio, que servirá de fundación, se levantará un cilindro, también de concreto de cemento, de cuatro pies y diez pulgadas de diámetro por tres pies y cuatro pulgadas de alti. - Sobre este cilindro se colocará un cubo de granito de un pie de arista, el cual llevará las siguientes inscripciones en bronce: - en la cara del Noroeste - "J. Santos Celaya, Presidente de Nicaragua - Comisionados - Salvador Castriello - William Clinie." - en la cara Sureste - "Rafael Iglesias, Presidente de Costa Rica - Comisionados - Luis Malamoras - Leonidas Carranza." - en la cara Noroeste - "General E. P. Alexander, Ingeniero Arbitro, y en la cara Sureste las coordenadas geográficas del punto marcado como de avangue de la línea, y la fecha "30 de Setiembre de 1897." - Las aristas del cubo señalarán los cuatro puntos cardinales astronómicos. - La construcción de este monumento se encarga al Señor don Eduardo Kallengell; y para su ejecución se señala el lapso del primer al quince de Noviembre próximo. - Y para constancia firmamos y autorizamos esta acta con nuestros sellos. - Nota. - en la última línea de la página 12, donde dice entre parentesis "(50° 52)" debe leer: 41° 09'. - en esta página 13, línea 7, la "(y)" entre parentesis debe suprimirse, y línea 11, la palabra entre parentesis que dice "(erección)" debe leer "inauguración."

E. P. Alexander

Leonidas Carranza

Luis Malamoras



W. Clinie

Salvador Castriello



Acta VII

En la ciudad de San Juan del (de las) Vertes, a las ocho de la mañana del día siete de Diciembre de mil ochocientos noventa y siete. Reunidas las Comisiones con objeto de continuar sus trabajos, se tuvo a la vista el acuerdo emitido por el Gobierno de la República de Costa Rica en treinta de Junio proximo pasado

por el cual nombra al Ingeniero Don Andres Navarrete
 miembro suplente de la Comision de Limites de parte
 de dicha Republica; y en consecuencia el expresado
 señor Ingeniero Navarrete queda incorporado como se
 quando en reposicion del Ingeniero señor Carranza
 quien sustituye al primero Don Luis Matamoros miem-
 bro suero en su ausencia. Se tuvo presente lo dispuesto en
 la ultima sesion celebrada en el dia dos de Octubre
 proximo pasado, y se trasfiere la inauguracion del mo-
 jin o monumento del punto inicial de la frontera
 para todo el presente. Propuso la Comision Costarricense
 que se proceda a medir la linea que continua desde
 el punto inicial y sigue por la margen de Harbor
 Head y despues por la del caño mas proximo has-
 ta encontrar el rio propio de San Juan, siguiendola
 de este hasta el punto que diste tres millas abajo del
 Castillo Viejo: que se levante el plano de dicha linea;
 y que se incorpore todo en las actas dia por dia en
 las sesiones. La de Nicaragua manifestó que el tra-
 bajo de la medida y levantamiento del plano en esa
 parte de la linea no tiene valor ni efecto util porque
 segun el Tratado y el Bando del General E. P. Alexander
 el limite divisorio lo forman la margen del Harbor
 y del Rio: y que siendo asi es variable y no linea fija,
 y por tanto el plano y los datos que se obtengan no
 corresponderan nunca a la verdadera linea divisoria. En
 tal estado determinan ambas Comisiones con la decision
 del señor Arbitro sobre este punto a cuyo fin se presen-
 taran sus respectivos fundamentos dentro del termino de
 ocho dias. Se tuvieron a la vista las dos versiones he-
 chas por ambas partes del Bando emitido por el se-
 ñor Arbitro General Alexander, y se convino en adop-
 tar la que a la letra dice así: San Juan del Norte,
 Nic. Setiembre 30 de 1897. A las Comisiones de Limites
 de Costa Rica y Costa Rica. Señores. En cumplimiento
 de los deberes que me competen como Ingeniero
 Arbitro entre los dos Cuerpos de Ustedes en virtud del
 encargo que me confio el Presidente de los Estados Unidos
 con objeto para decidir definitivamente cualesquiera pun-
 tos de diferencia que puedan suscitarse en el trabajo de
 demarcacion de la linea divisoria de las dos Republicas,
 he estudiado y tomado en consideracion lo siguiente

mente todos los alegatos, contra alegatos, mapas y documentos que me fueron sometidos, acerca de la exacta localización del punto inicial de la expresada línea divisoria en la costa Caribe. La conclusión a que he llegado y el Laudo que voy a pronunciar no están de acuerdo con las miras de ninguna de las Comisiones. Me es que en diferencia a los excelentes y vigorosos argumentos tan cumplida y lealmente expuestos por cada Comisión, en favor de su respectiva causa, indicaré brevemente mi modo de pensar y las consideraciones que me han parecido concluyentes para resolver la cuestión. Y de estas consideraciones la principal y dominante es que nosotros debemos interpretar y cumplir el Tratado de 15 de Abril de 1762, como fue mutuamente entendido, el día de su celebración, por sus autores. Cada Comisión presentó una elaborada y bien razonada discusión sosteniendo que las palabras del Tratado están de acuerdo con su respectivo pedimento sobre la localización del punto de partida de la línea fronteriza en lugar tal que daría a su país grandes ventajas. Estos puntos de partida están separados por algo más de seis (6) millas de distancia y están indicados en el mapa agregado a este Laudo. El que reclama Costa Rica está situado en la costa al lado izquierdo o sea en el extremo de la tierra firme (Headland) al Oeste de la bahía; el que pretende Nicaragua, en el extremo de la tierra firme (Headland) al oriente de la boca del brazo Taura. Sin el propósito de replicar en concreto a cada razonamiento hecho por una y otra parte en apoyo de su respectiva reclamación, todos fueron tomados en cuenta, y suficientemente contestados, demostrando que los que celebraron el Tratado, mutuamente entendieron y tuvieron en mira otro punto distinto, a saber, el extremo de la tierra firme al Este en la boca de la bahía. En la mente de los que hicieron el Tratado lo que debemos buscar, antes que algún sentido posible que pudiera deducirse violentamente de palabras o sentencias aisladas. Y esa mente de los autores del Tratado me parece abundantemente clara y obvia. Este Tratado no fue hecho con apresuramiento ni con descuido. Cada Estado había sido enardecido por años de infructuosas negociaciones hasta llegar a aprestarse a la guerra en defensa de lo que consideraba sus derechos, como está expuesto en el Artículo

primero. En efecto la guerra había sido ya declarada por Nicaragua en 25 de Noviembre de 1857, cuando en virtud de la mediación de la República del Salvador se hizo un último esfuerzo para evitarla, se reanudaron las negociaciones y resultó este tratado. Ahora bien, podemos descubrir la mutua inteligencia a que finalmente llegaron sus autores, buscando primero en el conjunto del Tratado la idea general e plan del Convenio, sobre el cual lograron entenderse. En seguida debemos ver que es la idea general del Tratado si armonice plenamente con cualquier descripción detallada de la línea que el Suministre, y con los nombres propios usados e no usados, de todos los lugares en conexión con la línea. Porque el no uso de algunos nombres puede significar tanto como el uso de otros. Ahora, de la consideración general del Tratado en su conjunto se ve que el plan del Convenio parece claro y sencillo. Costa Rica había de tener como línea divisoria la margen derecha e margen sureste del río, considerado como vía de Comercio, desde un punto tres millas abajo del Castillo hasta el mar. Nicaragua había de tener su estimado "sumo imperio" en todas las aguas de esa misma vía de Comercio igualmente no interrumpido hasta el mar. Es de notarse que esta división implica también desde luego el tenerio de Nicaragua sobre todas las islas del río y sobre la margen izquierda e margen noroeste del río y del extremo de la tierra firme (Headland). Esta división establece la línea fronteriza al través de ambos brazos, el Colorado y el Cauca, dado el supuesto que, desde el punto cerca del Castillo, se siga la línea, río abajo, en su margen derecha. La línea no puede seguir ni el uno ni el otro de dichos brazos, porque ninguno es vía de Comercio, puesto que no tienen puerto en su boca. Ella ha de seguir el brazo que queda, llamado Lower (bajo) San Juan, pasar por la bahía hasta entrar en el mar. El término natural de esa línea es el extremo de la tierra firme (Headland) de la mano derecha de la boca de la bahía. Cabe queda notemos el lenguaje descriptivo usado en el Tratado que dice dónde debe comenzar la línea y cómo debe correr, prescindiendo por el momento del nombre propio aplicado al punto inicial. Ha de partir "en la desembocadura del río San Juan de Nicaragua, y continuará marcándose con la margen derecha del expresado río".

hasta un punto distante del Castillo Viejo las millas inglesas - Evidentemente este lenguaje es cuidadosamente considerado y es categórico; solo hay un punto de partida posible para tal línea; y está en el extremo de la tierra firme (Headland) de la mano derecha de la bahía - Por fin llegamos al nombre propio aplicado al punto de partida "la extremidad de Punta de Castilla". Este nombre "Punta de Castilla" no aparece en uno solo de todos los mapas originales de la bahía de San Juan, que han sido producidos por una y otra parte, y que parece incluir todos los que han sido publicados antes y después del Tratado. Este es un hecho significativo y su interpretación es obvia - Punta de Castilla debe de haber sido y debe de haber quedado siendo un punto de ninguna importancia política o comercial. - De otro modo no habría sido posible que tan absolutamente se hubiera ocupado el hacerlo notar o mencionarlo en los mapas. Esto se conforma enteramente con las peculiaridades de la tierra firme y estrecho de ella (Headland) de la derecha de la bahía. Ella permanece hasta hoy desconocida y desocupada excepto por la choga de un pescador. Pero la identificación de la localidad está fuera aun mas fuera de duda por la mención incidental que se hizo en otro artículo del mismo Tratado del nombre Punta de Castilla. En el Artículo 5º conviene Costa Rica en permitir temporalmente a Nicaragua el uso del lado Costarricense del puerto, sin pago de derechos; y el nombre Punta de Castilla es de lleno aplicado a él. Así tenemos en (consecuencia) (con) digo) congruencia la idea general del Convenio, en el conjunto del Tratado, la descripción literal de la línea en detalle y la verificación del nombre aplicado al punto de partida por su mención incidental en otro pasaje del Tratado, y por el testimonio de todos los autores de mapas de todos los países antes y después del Tratado uniformes en excluir este nombre de todas las otras partes de la bahía. Parece que lo antedicho sería argumento suficiente sobre el asunto; pero se presentará todo el con mayor claridad mediante una ligera explicación de la geografía local y de una peculiaridad especial de esta bahía de San Juan. El gran rasgo característico de la geografía local de esta bahía, desde las primeras noticias que de ella tenemos ha sido la presencia de una isla en su salida, llama

da en algunas mapas antiguos la isla de San Juan.
 Era isla de tal importancia que fue mencionada en 1820
 por dos autores distinguidos citados en la República de Costa
 Rica al Negate de Nicaragua (pag 12-) y es isla el día
 de hoy, y así aparece en el mapa que se acompaña
 a este tratado. La peculiaridad de esta bahía, que
 debe notarse, es que el río en la estación seca anual
 arrastra muy poca agua. Cuando eso sucede, particu-
 larmente en los últimos años se forman bancos de
 arena, así en las mareas ordinarias, pero más o menos
 sumergidas y lavados por todas las altas mareas, llegan
 do frecuentemente ^{en algunos} hasta las estremidades de tierra firme
 (Heard-lands) (hasta) digo de manera que un hombre pue-
 de cruzar a pie enjuto. Ahora bien, toda la reclamación de
 Costa Rica se basa en la suposición de que en el día
 15 de Abril de 1858, fecha del Tratado, existía una conexión
 entre la isla y el extremo Oriental de la tierra firme
 (Eastern Healdland), y que esto convirtió la isla en tierra
 firme, y llevó el punto inicial de la línea divisoria hasta
 la estremidad Occidental de la isla. Contra esta reclama-
 ción hay por lo menos dos contestaciones, cada una de las
 cuales me parece concluyente. Primera: no puede ser com-
 probado definitivamente el estado exacto de la barra en
 aquel día, lo cual parecería necesario antes de sacar con-
 clusiones importantes. Sin embargo, como la fecha era ex-
 cava al fin de la estación seca, es lo más probable que
 hubo tal conexión por una barra de arena entre la
 isla y la Costa Este o Costarricense, como se ha descrito.
 Pero, aun si eso fuera cierto, no habría razón para re-
 poner que tal conexión temporal pudiera causar un
 cambio permanente en el carácter geográfico y dominio
 político de la isla. El mismo principio, si se admitiera,
 daría a Costa Rica todas las islas del río, a las cuales,
 bancos de arena se hubiesen extendido desde la margen
 Costarricense del río durante aquella estación seca. Pe-
 ro en todo el Tratado, el río es tenido y reputado
 como una vía de comercio. Esto implica que ha de con-
 siderarse en su régimen medio de agua, en el cual
 estado, solamente es el navegable. Pero la considera-
 ción suprema en la materia es que por el uso del
 nombre Punta de Castilla, para el punto de partida
 en lugar del nombre Punta Arenas los autores del

Tratado tuvieron en mira designar la tierra firme
 del Este de la bahía - Esto ha sido ya discutido, pero
 no se ha dado contestación directa al argumento de
 Costa Rica, citando tres autores, como aplicando el
 nombre de Punta de Castilla a la estrechidad Este de
 la antes mencionada isla, el punto llamado envaria
 blemente Punta Arenas por todos los marineros y otros
 oficiales topógrafos e ingenieros que en todo tiempo
 han levantado mapas de ella. Estos autores son L.
 Montúfar, guatemalteco, en 1887; J. D. Gámez, nicaragüense,
 en 1889; y S. J. Squier, americano; fecha no dada exacta-
 mente, pero posterior al Tratado. Men de estos, los dos últi-
 mos solo una vez cada uno usaron el nombre Punta de Cas-
 tilla, y está simplemente como alternativo de Punta Are-
 nas. Contra esta serie de autoridades tenemos, primero, un
 gran número de otros escritores claramente mucho más dignos
 de fe; segundo, los autores originales de todos los mapas, como
 se ha dicho antes; y tercero los redactores del Tratado mis-
 mo por su uso de Punta de Castilla en el artículo 5.^o
 Deb tenerse presente que por algunos años antes de la
 celebración de este Tratado, Punta Arenas había sido con
 mucho el más importante y conspícuo punto de la
 bahía - en él estuvieron localizados los muelles, talleres, ofi-
 cinas - E. de la gran Compañía de Transporte de Vanderbilt
 que mantuvo la línea directa de Nueva York a San Fran-
 cisco, durante la fiebre del oro de los primeros años ^{después de}
 1850. Aquí los vapores de Occano y de Nio se encontraban
 y cambiaban pasajeros y carga. Este fue el punto que
 Walker y los filibusteros trataron de dominar. La pequeña
 población ^{de San Juan} para nada figuraba en comparación y sería sin
 duda fácil reunir por centenares referencias a este punto
 como Punta Arenas por oficiales navales y diplomáticos
 de todas las principales naciones, por distinguidos residentes
 y oficiales, y por ingenieros y topógrafos, ocupados en investi-
 gar constantemente el problema del Canal y teniendo
 todo conocimiento personal de la localidad. En vista
 de todas estas circunstancias, el celo con que cada parte
 definió en el Tratado lo que cedió y lo que se reservó, la pro-
 minencia e importancia de la localidad, el común acuer-
 do de todos los mapas originales en el nombre, y su notori-
 dad universal, halló imposible concebir que Nicaragua hu-
 biera concedido este extenso e importante territorio a Costa Ri-

ea, y que el representante de la última hubiese sido de hacer
 aparecer el nombre Punta Arenas en alguna parte del tra-
 tado. Y por razones tan analogas, que es innecesario repetir-
 las, es tambien imposible concebir que Costa Rica hubiese apa-
 radado el Cauca como su frontera y que el representante
 de Nicaragua hubiera sido de hacer aparecer en absoluto
 en alguna parte del Tratado el nombre Cauca. Habiendo,
 pues, designado de un modo general la tierra firme al
 Este de Harbor Head como el lugar del punto de partida de
 la linea divisoria, es menester ahora especificarlo mas minu-
 ciosamente, a fin de que dicha linea pueda ser exactamente
 localizada y demarcada de un modo permanente. La posi-
 cion localizacion del punto inicial esta dada en el Tratado del
 Presidente Cleveland como "la estremidad de Punta de Casti-
 lla en la boca del Rio (de) San Juan de Nicaragua, como
 existian la una y la otra el 15 de Abril de 1858." Un
 estudio cuidadoso de todos los mapas disponibles y compara-
 cion entre aquellos hechos antes del Tratado y los de fe-
 cha reciente, ejecutados por los Cuerpos de Ingenieros y oficia-
 les de la Compania del Canal, y uno del dia hecho por
 Mds. para acompañar este Documento, ponen muy en claro un
 hecho. El lugar exacto, que fue la estremidad de la tierra
 firme (Headland) de Punta de Castilla el 15 de Abril de 1858
 ha sido hace mucho tiempo cubierto por el mar Caribe; y
 no hay en los mapas antiguos conformidad suficiente en
 cuanto a la linea de la orilla del mar, que permita de-
 cir con alguna certeza la distancia exacta, o direccion
 de el respecto al extremo de la tierra firme actual (Headland)
 Estaba por alli en direccion Noroeste y probablemente entre seis-
 cientos (600) y mil seiscientos pies (1,600) de distancia, pero no
 puede ser ahora fijado con certeza. En tales circunstancias
 es mejor cumplir mejor las disposiciones del Tratado y
 del Tratado del Presidente Cleveland, adoptando lo que es
 realmente el extremo de la tierra firme (Headland) de
 hoy, o sea la estremidad Noroeste de lo que parece ser la
 tierra firme en el lado oriental de la laguna de Harbor
 Head. De conformidad con esto, he hecho personal ins-
 peccion de este terreno, y declaro que la linea inicial de la
 frontera corre como sigue, a saber: Su direccion sera
 recta Noroeste y Surroeste al traves del banco de arena del
 del el mar Caribe hasta tocar en las aguas de la lague-
 na de Harbor Head. Ella pasara en su punto más proxi-

me distante trescientos (300) pies del lado Noroeste de la cabana que actualmente se halla en esa vecindad - Al llegar a las aguas de la laguna de Harbor Head la linea divisoria dara vuelta a la izquierda o sea hacia el Sureste y continuara marcandole con la orilla del agua al rededor del Harbor hasta llegar al mar propio por el primer caño que encontre - Subiendo este caño, y subiendo el mar propio la linea continuara ascendiendo como está dispuesto en el Tratado - Soy, Señores muy respetuosamente - De U.U. obediente servidor - E. J. Alexander - Para constancia firmamos y autorizamos esta Acta con nuestros sellos - Nota - En la Pag. 13 línea 3ª página trece línea treinta y siete el parentesis "a las" no vale - En la página quince línea treinta y tres la palabra erimondade "ES" vale - En la página diez y siete línea veinte y ocho el parentesis "(consecuencia) (con) digo" no vale - En la página diez y ocho línea trece despues de "Headlands" lease "adyacentes" y en la misma línea el parentesis "(hasta) digo" no vale - En la página diez y nueve línea veinte y seis despues de la palabra "primeros" lease "años" y en la misma página línea treinta despues de "pobla cion" lease "de San Juan" -

Léonidas Cananiza

E. J. Alexander

Andrés Narantetz

Salvador Casbill

W. Umit



Acta VIII

En la Ciudad de San Juan del Norte a las nueve de la mañana del treinta uno de Diciembre del año de mil ochocientos noventa y siete - Reunidas las Comisiones en el local acostumbrado y presididas por el Señor Ingeniero Arbitro este les notifico el siguiente Acuerdo: "Award N. 2" San Juan del Norte December 30th 1897. - To the Commission of Limits of Nicaragua and Costa Rica. -

Gentlemen: In further pursuance of my duty as Engineer-Arbitrator to your two (vobis) honorable bodies, I am called upon to decide the question submitted to me in your proceedings of the 7th instant, as set forth in the following quotation from the official record: to wit. - "The Commission of Costa Rica proposed to proceed to the measurement of the line which from the initial point follows the margin of Harbor Head and thence by the margin of the nearest channel until it reaches the margin of the river proper of San Juan and follows the margin of said river up to the point distant three miles from Castillo Viejo; that the plan of said line be made; and all duly recorded day by day at the sessions. The Nicaraguan Commission argued that the work of measurement and of making the plan of that part of the boundary has no useful value or object because according to the Treaty of Limits and the award of Gen. E. P. Alexander the boundary line consists of the margin of the Harbor and River, and that this boundary consequently is a variable and not a fixed boundary, and therefore the plans and details that would be obtained would never represent the true dividing line. - Under these circumstances the two Commissions agreed to hear the decision of the Arbitrator on this point, with (vobis) object they will present to him their respective cases within the period of eight days." - The respective arguments referred to have been received and duly considered. It must be stated, for a clear comprehension of the question involved, that in the lower part of (this) its course the San Juan River runs through a flat and sandy delta, and that it is plainly liable not only to gradual accretions and diminutions of its banks, but even to entire changes of its channels. These changes may be more or less rapid and sudden from causes not always apparent, and even without the occurrence of such special factors as earthquakes or great storms. Examples of former channels now abandoned and of banks changing today under gradual accretions or diminutions, are abundant. - The boundary line of today must necessarily be more or less affected in the future by all of these changes, gradual or sudden. But the effect in each case can only be determined by the circumstances of the case as it arises, under the principles of international law (vobis) which may be applicable. - The proposed surveying and marking of the line as it exists today will have no effect upon the application of these principles. The fact that it has been surveyed and marked will neither increase nor decrease whatever legal stability it may have when not surveyed and not marked. - The sole result which can flow from surveying and marking is that the character and extent of all future changes can be more easily and definitely determined. - It cannot be denied that there is a certain contingent advantage in this future ability to always find the original line. But a difference of opinion may very reasonably exist as to how much time and present expense should be incurred for the benefit of this contingent advantage.

This is the difference now existing between the two Commissions. Costa Rica desires to have this future facility; Nicaragua considers the contingent benefit not worth the present expense;—In deciding whose (views) shall prevail, I must be governed by the letter and the spirit of the Treaty of 1858, if there is that in either which applies to the question. I find both in Article III, Article II, has described the boundary line as a whole, from the Caribbean to the Pacific, and Article III, goes on as follows: "The measurements shall be made of this boundary line, in whole or in part, by Commissions of both Governments, after arrangements made by said Governments as to the time for carrying out the operation. The said Commissions shall have the power to diverge somewhat from the curve around Castillo, also from the line parallel to the banks of the river and of the lake or from the straight astronomical line between Sapoa and Salinas, provided that they can agree upon this in order to adopt natural land-marks."—This entire article is devoted to prescribing the completeness and accuracy with which the (Commissions) Commissioners shall execute their work.—It permits a departure from completeness, for it says the line may be measured "in whole or in part," and it permits a departure from accuracy, if thereby natural land-marks may be secured. But the condition expressly attached in the latter case and plainly implied as well for the former, is that both commissions shall be agreed.—Otherwise, the line must be measured in full, and with all practically attainable accuracy, as it is described in Article II. Clearly then, the effect of any disagreement upon the question of a more or less complete survey, must be that the wishes must prevail of that party desiring to make it most complete.—I therefore announce as my award in this matter that the two Commissions shall next proceed to the measurement of the line from the initial point to the point three miles below Castillo Viejo, as proposed by Costa Rica.—I am Gentlemen, Very respectfully, Your obedient servant, E. P. Alexander, Engineer Arbitrator. = La (Acta) por inaugurado el monumento que determina la situacion del punto inicial de la linea divisoria entre el Estado de Nicaragua y la Republica de Costa Rica, en virtud de la visita hecha a él por ambas Comisiones y acompañadas del Señor Ingeniero Arbitro: pues aunque ahora no está colocado todavía el cubo de granito, se halla construido ya el basamento de cemento Portland en el punto designado en el primer Planteo Arbitral, y en su oportunidad se hará la colocacion del cubo expresado con las correspondientes inscripciones en bronce.—Y para constancia firmamos y autorizamos esta Acta con nuestros Sellos.—Notas. En la linea dos de la pagina vintidos la palabra entreparentesis (Acta) no vale.— En la mis-

pagina y linea diez, la palabra entre parentesis y despues de "be" lease "made" - En la misma pagina y linea dieciocho la palabra entre parentesis ("which") no vale y en su lugar lease "which" - En la linea veintidos de la misma pagina, la palabra ("this") no vale. - En la linea treinta y tres de la misma pagina la palabra entre parentesis ("miss") no vale. - En la pagina veintitres y linea tres la palabra entre parentesis ("vius") no vale. - En la misma pagina, linea cinco, lo que está entre parentesis despues de "of" no vale. - En la linea dieciseis de la misma pagina la palabra entre parentesis ("Commissioners") no vale. - En la pagina treinta lo que está entre parentesis antes de "por" no vale y léase en su lugar "ha".

E. P. Alexander

Señor Sabana

Andrés Navarro



A. Clinie
Salvador Costilla



Acta IX

En la Ciudad de San Juan del Norte a la una de la tarde del dia seis de Enero de mil ochocientos noventa y ocho. = Reunidas las Comisiones en el local acostumbrado y precedidas por el señor Ingeniero Arbitro se acordó lo que sigue: - 1.º Se adopta como traduccion del Bando n.º 2, que aparece en el Acta anterior la siguiente: "Bando n.º 2: San Juan del Norte, Diciembre 30 de 1894. A las Comisiones de limites de Nicaragua y Costa Rica: Señores: En cumplimiento otra vez de mis deberes como Ingeniero Arbitro entre los dos honorables Cuerpos de Ustedes he sido llamado para decidir la cuestion sometida a mi en el Acta de 7 del presente mes, como se manifiesta en el siguiente párrafo del libro de Actas: a saber: "Propuso la Comision Costaricense que se proceda a medir la linea que continua desde el punto inicial y asi que por la margen de Harbor Head, y despues por la del Caño mas proximo hasta encontrar el rio pro-

rio de San Juan, siguiendo la de este hasta el punto
 que diste tres millas abajo del Castillo Viejo: que se levante
 el plano de dicha línea y que se incorpore todo en
 las Actas día por día en las Sesiones. La de Nicaragua
 manifestó que el trabajo de la medida y levantamiento
 del plano en esa parte de la línea no tiene valor ni
 objeto útil, porque, según el tratado y el Laudo del
 General C. P. Alexander, el límite divisorio lo forma
 la margen derecha del Harbor y del río, y que
 siendo así es variable y no línea fija; y por tanto el
 plano y los datos que se obtengan no corresponderán
 nunca a la verdadera línea divisoria. En tal esta-
 do determinan ambas Comisiones en la decisión del Jefe
 Arbitro sobre este punto, a cuyo fin le presentaran sus
 respectivos fundamentos dentro del término de ocho días.
 Ambos síelos recibidos y debidamente considerados lo referidos
 argumentos de cada parte. Debe de hacerse notar para una
 clara inteligencia de la cuestión propuesta que, en la
 parte baja de su curso, el río de San Juan corre al
 Traves de un delta llano y arenoso, y que son evidentes
 te posibles no solamente acrecimientos o disminuciones gra-
 duales en sus márgenes, sino cambios enteros de sus caños.
 Estos cambios pueden ser mas o menos rápidos y repentinos
 por causas no siempre aparentes, y aun sin la concurren-
 cia de factores especiales tales como terremotos o grandes
 tempestades. Son abundantes los ejemplos de caños ante-
 riores ahora abandonados, y de márgenes que están cambian-
 do hoy día por graduales acrecimientos o disminuciones.
 La línea divisoria de hoy debe ser necesariamente afecta-
 da en lo futuro, mas o menos, por todos estos cambios gra-
 duales o repentinos, pero el efecto en cada caso puede ser
 determinable solamente por las circunstancias del mis-
 mo caso, como el acortezca según los principios de las
 leyes internacionales que puedan ser aplicables. La me-
 dida y demarcación propuesta de la línea divisoria
 no producirá ningún efecto sobre la aplicación de es-
 tos principios: El hecho de que ella haya sido medi-
 da y demarcada no aumentará ni disminuirá cual-
 quera estabilidad legal que ella pudiera tener, como si
 no hubiera sido medida ni demarcada; = El solo
 efecto que se obtiene de la medida y demarcación es
 que el carácter y extensión de los cambios futuros

pueden ser mas facil y definitivamente determinadas. No se puede negar que hay una cierta ventaja contingente en esta futura capacidad de encontrar siempre la linea primitiva. Pero bien puede existir una diferencia de opinion sobre cuanto tiempo y gastos actuales deban invertirse para obtener esa ventaja contingente. Esta es la diferencia que existe ahora entre las dos Comisiones. Costa Rica desea tener esa posibilidad futura. Nicaragua considera que el beneficio contingente no vale el gasto actual. Para decidir cual de estas opiniones debe prevalecer, me debo atener a la letra y al espíritu del Tratado de 1858, si hay en cualquiera de ellos lo que es aplicable a la cuestion. Yo encuentro ambas cosas en el Artículo 3.º: El Artículo 2.º describe toda la linea divisoria desde el mar Caribe hasta el Pacifico, el Artículo 3.º dice así: "Se practicaran las medidas correspondientes a esta linea divisoria en el todo o en parte por Comisionados de los Gobiernos, poniendose estos de acuerdo para señalar el tiempo en que haya de verificarse la operacion. Dichos Comisionados tendran la facultad de desviarse un tanto de la curva al rededor del Castillo, de la parábola a las margenes del rio y el lago, o de la recta astronómica entre Sapoá y Dalinas, caso que en ello puedan acordarse para buscar mojones naturales." Todo este artículo está dedicado a prescribir la exactitud con que los Comisionados deberan ejecutar la obra. El permite apartarse de algunos detalles, por que dice que la linea puede ser medida en todo o en parte, y permite apartarse de la exactitud si por eso es posible encontrar mojones naturales. Pero la condicion expresamente estipulada en el ultimo caso y claramente comprendida tambien por el primero, es que ambas Comisiones esten de acuerdo. De otro modo la linea debe medirse en el todo, y con toda la exactitud practicamente realizable como está descrita en el Artículo 2.º. Claramente pues, la consecuencia de cualquiera desavenencia sobre la cuestion de mas o menos exactitud en la medida, ha de ser que prevalezca la opinion de la parte que desea hacerla mas perfecta. Yo por consiguiente anuncio como mi hallado en esta materia que las dos Comisiones procederan enseguida a la medida de la linea desde el punto inicial hasta el punto tres millas abajo del Castillo Viejo, como se

propuso por Costa Rica: Soy Señores muy respetablemente de Vds. obediente servidor (J.) - E. P. Alexander = Ingeniero Arbitro - 2.º Conviendose presente que en los trabajos que se van a practicar en el delimitado y demás operaciones topográficas no será posible celebrar actas diariamente. Conviene en ambas Comisiones de acuerdo con el Señor Ingeniero Arbitro en que las operaciones que se hicieran en las carteras de campo sean resumidas y transcritas en los libros de actas cada semana: Y para constancia firmamos y autorizamos esta Acta con nuestros sellos.

Nota: En la línea treinta y nueve de la página siguiente después de la palabra que dice "ella"

Leónidas Barahona

E. P. Alexander

R. M. Urme

Andrés Navarrete

Salvador Castiella



Acta N

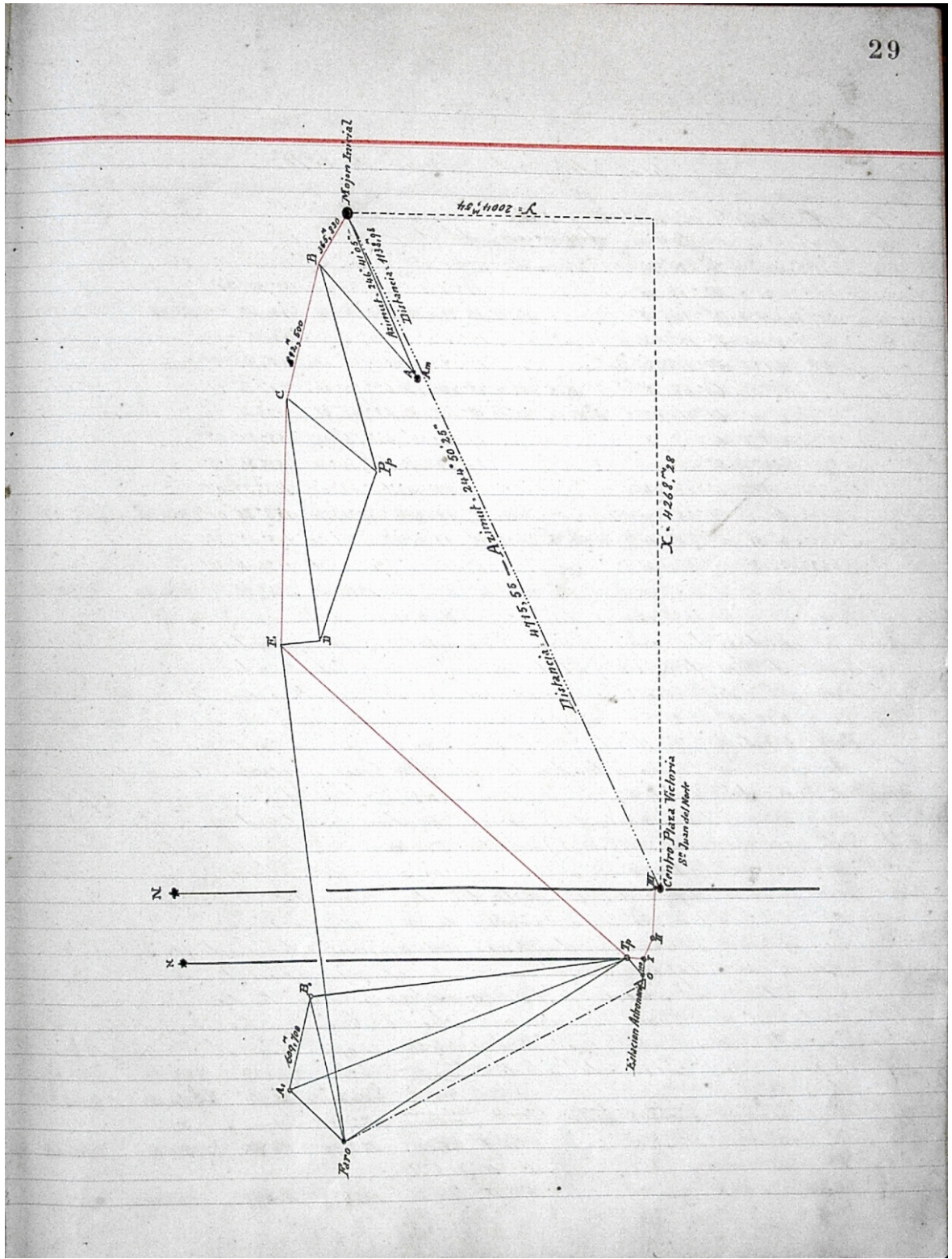
En la ciudad de San Juan del Norte a las ocho de la mañana del día dos de Marzo mil ochocientos noventa y ocho en el local de costumbre = Estando ausentes los Señores Comisionados por parte del Estado de Nicaragua, como resulta por el oficio de dichos señores fecha 7 de Enero de 1898, el Señor Ingeniero Sr. Andrés Navarrete, Comisionado en representación por el Gobierno de Costa Rica, pidió que en cumplimiento del Artículo V del Convenio Martínez Pacheco, de 27 de Marzo de 1896, el Señor Ingeniero Arbitador concurren a las operaciones de delimitado, que durante la ausencia de aquellos Señores debían ejecutarse. Reintegrados de esta suerte, con el concurso del Señor Ingeniero Arbitro las Comisiones delimitadoras, se procedió primero a efectuar la fijación del Monumento que determina el punto de partida de la línea divisoria en la Costa del Mar Caribe, relacionándolo con el Centro de la Plaza Victoria de San Juan del Norte = A tal efecto, se practicaron las siguientes operaciones = Observaciones Astronómicas para la determinación de los ángulos.

San Juan del Norte - Enero de 1898

Angulo horizontal al Faro al Sol	Distancias limitadas	Fecha de la observacion	Declinacion del Sol	Azimuts para el Sol para el Faro		Observaciones	
226° 38' 30"	187° 02' 00"	74° 02' 31"	23 Enero - a. m.	19° 21' 02"	293° 57' 46"	153° 34' 16"	(⊙) Al Este y
226° 38' 30"	187° 33' 30"	72° 59' 00"	"	19° 21' 02"	294° 19' 40"	153° 34' 40"	(⊙) apuntando al
226° 38' 30"	187° 41' 00"	72° 10' 47"	"	19° 21' 02"	294° 36' 46"	153° 34' 16"	(⊙) centro del Sol
226° 38' 30"	187° 43' 30"	71° 15' 43"	"	19° 21' 02"	294° 56' 51"	153° 36' 05"	(⊙) apuntando al borde que desaparece
0° 00' 00"	91° 55' 01"	59° 18' 32"	30 Enero - p. m.	17° 27' 55"	61° 58' 04"	153° 36' 49"	(⊙)
0° 00' 00"	91° 30' 43"	60° 03' 56"	"	17° 27' 55"	62° 22' 44"	153° 37' 11"	(⊙) Sol al Oeste
0° 00' 00"	91° 11' 49"	61° 41' 47"	"	17° 27' 55"	62° 41' 26"	153° 36' 59"	(⊙) observado al
0° 00' 00"	90° 31' 19"	61° 59' 38"	"	17° 27' 55"	63° 19' 54"	153° 34' 54"	(⊙) borde supe-
0° 00' 00"	90° 17' 47"	62° 30' 20"	"	17° 27' 55"	63° 34' 40"	153° 36' 13"	(⊙) gaba
0° 00' 00"	90° 04' 19"	63° 00' 44"	"	17° 27' 55"	63° 49' 04"	153° 37' 07"	(⊙)
0° 00' 00"	44° 06' 00"	80° 45' 55"	31 Enero - a. m.	17° 17' 20"	287° 45' 24"	153° 35' 08"	(⊙) Sol a lo largo
0° 00' 00"	43° 24' 58"	80° 16' 46"	"	17° 17' 20"	287° 56' 30"	153° 37' 34"	(⊙) centro
0° 00' 00"	43° 47' 48"	79° 46' 42"	"	17° 17' 20"	290° 00' 50"	153° 34' 32"	(⊙) sola

Nota: La serie de observaciones del día 23 de Enero, se tomaron con un pequeño teodolito Kildebrand, cuyo limbo horizontal es de graduación directa; y las observaciones de los días 30 y 31 de Enero se han efectuado con un taquimetro Salmoraghi, cuyo limbo horizontal es de graduación inversa. Para calcular estos azimuts, se adoptó como posición geográfica, la correspondiente a la estaca III de la triangulación que a continuación figura. Dicha estaca se ha enclavado frente al sitio que ocupaba la antigua iglesia de San Juan del Norte, para la cual, las Tablas del Conocimiento de los Tiempos (Bureau des Longitudes) París 1871) dan: Latitud: 10° 55' 14" N. y Longitud 86° 01' 19" W. Maxwell - 1888-1895). Esta Comisión de límites adoptó la expresada posición, con toda reserva, y como una mera aproximación destinada a deducir en las diferentes localidades del trayecto de sus operaciones, los elementos necesarios a la orientación de las alineaciones. El promedio de los cálculos que anteceden da para (el) azimut del lado (Δ - Faro) 153° 35' 33" por lo cual se adopta, como suficiente aproximación 153° 36' 00". Estos azimuts se miden con arreglo a la convención adoptada en geodesia, en el sentido S. O. N. E. con el cero al Sur = Triangulación destinada a relacionar el Monumento inicial i primer mojón, con el Centro de la Estaca Victoria de San Juan del Norte.

Sitios	Cuerpo de observación	Angulo horizon- tal	Acimuts magnéticos	Acimut azimut	Azimut	Distancias metros	Coordenadas parciales		Coordenadas totales	
							X	Y	X	Y
Ab	B	0° 00' 00"	N 67° 10' W		117° 42' 05"	265.83	323.90	-170.06	323.90	-170.06
	A	57° 01' 00"	S 61° 45' W		66° 41' 05"	1105.78	"	"	"	"
	(A) _m	57° 01' 00"	S 61° 45' W		66° 41' 05"	1138.78	1045.97	450.80	"	"



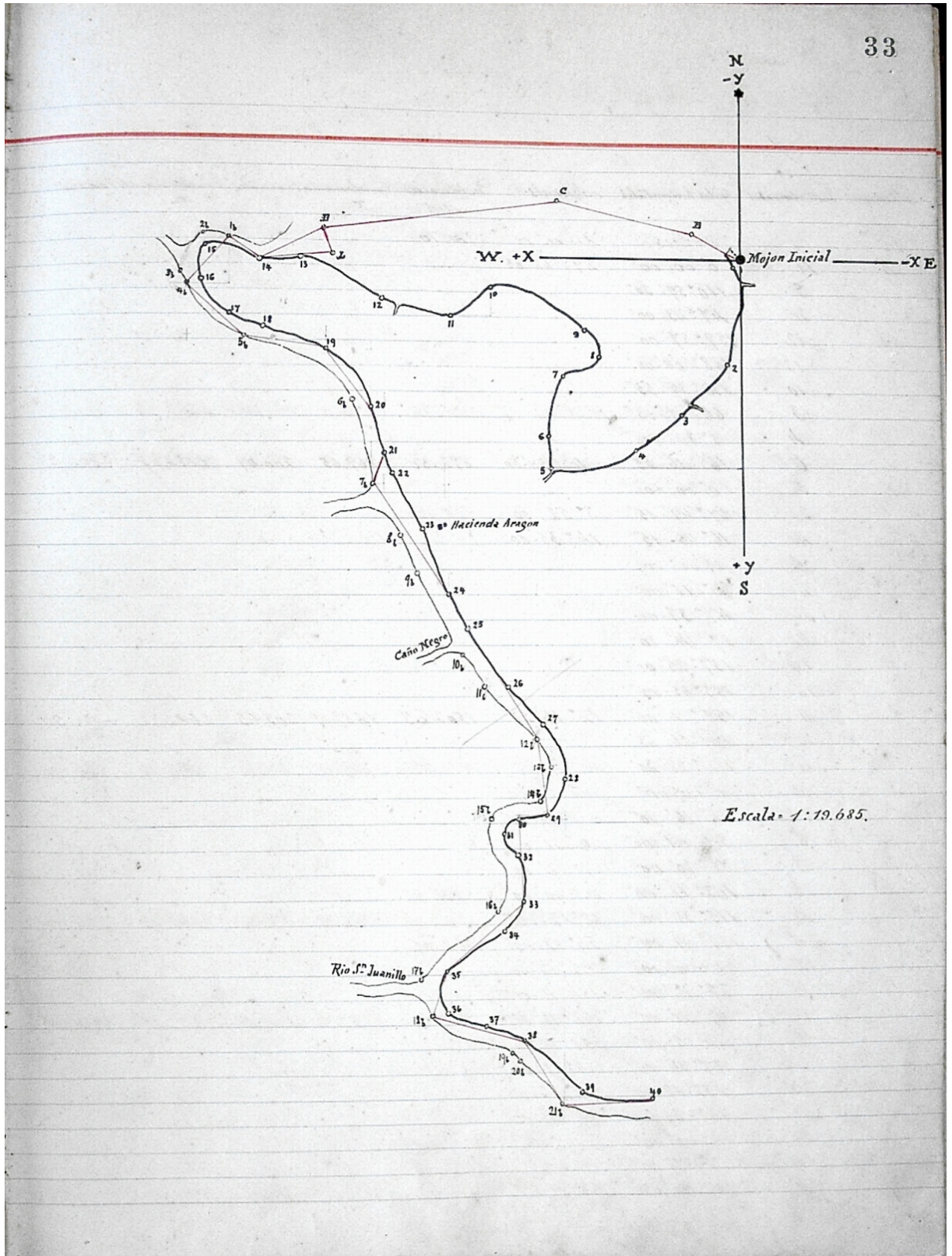
30

Estaciones	Puntos de sección	Angulos horizontales de áng.	Numeros magnéticos	Pole químico	Azimuts	Distancias metros	Coordenadas parciales		Coordenadas totales	
							X	Y	X	Y
B	M	0° 00' 00"	S 67° 15' E	117° 42' 05"	297° 42' 05"	"	"	"	"	
	A	110° 59' 30"	S 43° 40' W	"	"	"	"	"	"	
	R	136° 34' 55"	"	"	"	"	"	"	"	
	C	165° 16' 25"	N 22° 14' W	"	102° 58' 50"	892, 50	869, 65	-200, 47	1193, 55	-370, 53
A	C	0° 00' 00"	N 47° 25' W	"	"	"	"	"	"	
	B	61° 08' 05"	N 43° 40' E	"	"	920, 43	"	"	"	
	M	79° 07' 35"	N 61° 45' E	66° 41' 05"	246° 41' 05"	1105, 78	"	"	"	
C	B	0° 00' 00"	S 78° 00' E	102° 58' 50"	282° 58' 50"	892, 50	"	"	"	
	A	64° 34' 40"	"	"	"	"	"	"	"	
	R	114° 28' 30"	"	"	"	714, 96	"	"	"	
	D	159° 14' 00"	S 77° 20' W	"	"	1503, 03	"	"	"	
	E	168° 51' 45"	S 87° 00' W	"	91° 50' 35"	1515, 38	1544, 80	-48, 74	2708, 35	-417, 27
E	C	0° 00' 00"	N 87° 00' E	91° 50' 35"	271° 50' 35"	1515, 38	"	"	"	
	D	82° 21' 15"	S 11° 00' E	"	"	"	"	"	"	
	Tp	130° 07' 55"	S 37° 00' W	"	41° 58' 30"	2963, 82	1982, 25	2203, 45	4670, 60	1724, 12
	Faro	171° 43' 10"	S 78° 05' W	"	"	3138, 01	"	"	"	
A	B	0° 00' 00"	S 81° 00' E	"	"	609, 70	"	"	"	
	Tp	55° 54' 00"	S 25° 00' E	"	"	"	"	"	"	
	Faro	121° 20' 25"	S 40° 30' W	"	"	"	"	"	"	
B	Tp	0° 00' 00"	S 10° 35' E	"	"	"	"	"	"	
	Faro	84° 02' 50"	S 73° 40' W	"	"	"	"	"	"	
Faro	A	109° 51' 40"	N 80° 45' W	"	"	609, 70	"	"	"	
	A	0° 00' 00"	S 41° 00' W	"	"	"	"	"	"	
	B	32° 50' 45"	N 73° 30' E	"	960, 10	960, 10	"	"	"	
	Tp	102° 43' 15"	S 13° 30' E	"	2172, 30	2172, 30	"	"	"	
Δ	Δ	107° 51' 00"	S 31° 30' W	"	"	"	"	"	"	
	Faro	0° 00' 00"	N 30° 30' W	"	153° 36' 00"	"	"	"	"	
	O	121° 39' 30"	90° ENE	"	275° 16' 30"	116, 20	"	"	"	
O	I	121° 39' 30"	90° OSE	"	275° 45' 30"	136, 20	"	"	"	
	Tp	0° 00' 00"	N 48° 00' E	"	"	"	"	"	"	
I	I	42° 22' 20"	S 89° 50' E	"	275° 15' 30"	110, 00	"	"	"	
	O	0° 00' 00"	S 89° 30' W	"	"	"	"	"	"	
Tp	Tp	73° 32' 20"	N 3° 00' E	"	188° 47' 50"	106, 54	"	"	"	
	I	"	"	"	8° 47' 50"	106, 54	+16, 29	+105, 29	4706, 89	1889, 47
II	I	198° 28' 15"	S 72° 10' E	"	273° 43' 45"	142, 37	-130, 33	57, 29	4576, 56	1946, 76
	III	0° 00' 00"	N 71° 35' W	203° 43' 45"	"	"	"	"	"	"
III	III	159° 28' 30"	N 87° 50' E	"	273° 12' 15"	326, 45	-325, 95	18, 25	4250, 61	1965, 01
	II	0° 00' 00"	"	"	"	"	"	"	"	"
	Centro Plaza	270° 53' 10"	"	"	24° 05' 25"	43, 30	-17, 67	39, 53	4268, 28	2004, 54

Las coordenadas del Monumento o mojón inicial tomando por origen el centro de la Plaza Victoria de San Juan del Norte, son, pues = $x = 4268,78$ Este; $y = 2004,34$ Norte; Meridiana astronómica, de lo cual resulta que la distancia de dicho centro de la plaza al expresado (mojón) monumento es de $4715,55$ (cuatro mil, setecientos quince metros cincuenta y cinco centímetros) con Azimut geodésico de $244^{\circ} 30' 23''$ (doscientos cuarenta y cuatro grados, cincuenta minutos, veinte y tres segundos) sexagesimales = 2^{da} consiguiente, se manda esculpir en la placa de bronce de que se hace mención en el Acta N.º VI de 2 de Octubre de 1897 y que debe llevar las coordenadas de dicho mojón, la siguiente inscripción: "Distancia este monumento del centro de la Plaza Victoria de San Juan del Norte $4715,55$, con Azimut geodésico de $244^{\circ} 30' 23''$ sexagesimales" = Se convino también en mandar construir puntos de referencia relacionados con el primer monumento, uno en la margen opuesta de la laguna de Harbor Head, a 1159 metros del primero en un sitio allí marcado, cuyo Azimut resulta ser de $66^{\circ} 41' 05''$, y el otro en el expresado centro de la Plaza Victoria de San Juan del Norte = Se acuerda el siguiente tipo para los mojones que servirán de puntos de referencia al primer monumento, es decir: para el primero en la margen derecha de la laguna de Harbor Head, un tubo de hierro, de unos cuarenta centímetros de diámetro y (rellenado con concreto de cemento) y de dos metros de longitud, enterrado un metro y medio, y relleno con concreto de cemento: para el segundo, en el centro de la Plaza Victoria de San Juan del Norte, el mismo tubo de hierro, enterrado hasta que roce su extremidad superior al nivel del suelo = En seguida, en ejecución del Decreto emitido por el Señor Ingeniero Arbitro, con fecha 30 de Diciembre de 1897, se procedió a la medición de la línea fronteriza, según esta descrita en el Decreto de 30 de Setiembre de 1897, comenzando desde el mojón inicial, siguiendo al rededor del Harbor y subiendo por el primer caño que se encuentra hasta el río propio y llegandose por este hasta la estaca N.º 40 inmediata al nacimiento del Río Caura = (En seguida en ejecución del Decreto emitido por el Señor Ingeniero Arbitro con fecha 30 de Diciembre de 1897, se procedió) Dichas operaciones y sus resultados aparecen en el cuadro siguiente = Levantamiento de la margen derecha de la laguna de Harbor Head y del Río San Juan que constituyen la línea divisora entre Costa Rica y Nicaragua =

Estaciones	Leito observado	Angulo horizontal	Azimut	Distancias metros	Coordenadas parciales x y	Coordenadas totales x y
M	B	$0^{\circ} 00' 00''$	$117^{\circ} 42' 05''$	365,88	+323,90 -170,06	323,90 -170,06
	A = 9	$57^{\circ} 01' 00''$	$66^{\circ} 41' 05''$	1105,78	" "	" "

Estación	Ante anterior	ángulos horizontales	Azimuts	Distancia metros	Coordenadas parciales		Coordenadas totales	
					x	y	x	y
M	1	72°42'05"	45°00'00"	70,70	"	"	"	"
B	M	0°00'00"	297°42'05"	"	"	"	"	"
	9	110°57'30"	"	"	"	"	"	"
	2	47°23'00"	"	"	"	"	"	"
	12	137°57'00"	"	"	"	"	"	"
	13	448°04'00"	"	"	"	"	"	"
	10	136°34'55"	"	"	"	"	"	"
	3	66°40'00"	"	"	"	"	"	"
	4	77°18'00"	"	"	"	"	"	"
	6	165°16'45"	102°58'50	892,50	869,65	-200,47	1199,55	-370,53
B	5	0°00'00"	"	"	"	"	"	"
	3	27°49'15"	3°52'00"	"	"	"	"	"
	4	16°46'15"	14°55'00"	"	"	"	"	"
C	B	0°00'00"	"	"	"	"	"	"
	2	30°11'00"	"	"	"	"	"	"
	3	46°34'00"	"	"	"	"	"	"
	4	59°14'20"	"	"	"	"	"	"
	12	137°25'00"	"	"	"	"	"	"
	13	153°45'15"	"	"	"	"	"	"
	11	159°14'00"	82°10'50"	1503,03	1189,17	202,63	2682,72	-166,90
	11	119°26'15"	"	"	"	"	"	"
	10	114°28'30"	"	"	"	"	"	"
J	B	0°00'00"	183°52'00	"	"	"	"	"
	6	34°16'30"	149°35'20"	"	"	"	"	"
	8	59°01'00"	124°51'00"	"	"	"	"	"
	7	76°20'00"	107°32'00"	"	"	"	"	"
	6	103°10'00"	80°40'00"	"	"	"	"	"
	5	115°35'00"	68°17'00"	"	"	"	"	"
	4	131°39'00"	52°13'00"	364,46	"	"	"	"
A	3	0°00'00"	232°13'00"	"	"	"	"	"
	B	37°17'00"	194°56'00"	"	"	"	"	"
	C	69°58'00"	162°15'00"	"	"	"	"	"
	8	73°55'00"	158°18'00"	"	"	"	"	"
	7	97°34'00"	134°39'00"	"	"	"	"	"
	6	133°49'00"	98°24'00"	"	"	"	"	"
	5	153°35'00"	78°58'00"	"	"	"	"	"
II	B	0°00'00"	"	"	"	"	"	"
	I	77°37'40"	"	168,90	"	"	"	"
	14	159°49'07"	62°01'57"	1411,12	389,60	206,87	3072,32	39,97



Estaciones	Puntos observados	Angulo horizontal	Azimuths	Distancias metros	Coordenadas parciales x. y		Coordenadas totales x. y	
L	D	0° 00' 00"	"	168,90	"	"	"	"
	B	95° 57' 40"	"	"	"	"	"	"
	11	137° 11' 20"	"	"	"	"	"	"
	11	284° 00' 00"	"	"	"	"	"	"
11	D	0° 00' 00"	"	"	"	"	"	"
	L	21° 48' 33"	"	"	"	"	"	"
	26	231° 54' 20"	"	"	"	"	"	"
	14	2143° 46' 20"	125° 48' 17"	241,81	196,11	-141,46	3268,43	-101,19
18	11	0° 00' 00"	"	"	"	"	"	"
	46	96° 01' 00"	41° 47' 17"	384,58	256,44	286,60	3524,87	185,11
	15	172° 47' 30"	"	"	"	"	"	"
	26	149° 51' 00"	"	158,50	"	"	"	"
26	14	0° 00' 00"	"	"	"	"	"	"
	14	18° 14' 00"	"	"	"	"	"	"
	15	76° 14' 30"	"	"	"	"	"	"
	46	102° 26' 00"	"	"	"	"	"	"
	34	116° 16' 40"	"	"	"	"	"	"
	46	0° 00' 00"	"	"	"	"	"	"
46	14	23° 44' 00"	"	"	"	"	"	"
	16	56° 55' 20"	"	91,25	"	"	"	"
	17	106° 26' 10"	"	"	"	"	"	"
	56	113° 54' 40"	341° 59' 57"	480,56	-35 ^m ,15	321,55	3467,74	586,66
	34	307° 00' 00"	"	"	"	"	"	"
	56	0° 00' 00"	"	"	"	"	"	"
56	16	10° 04' 20"	"	"	"	"	"	"
	17	13° 20' 00"	"	"	"	"	"	"
	18	112° 55' 40"	"	135,80	"	"	"	"
	19	147° 55' 25"	279° 55' 22"	509,96	-502,33	87,88	2665,41	574,54
	18	56	0° 00' 00"	"	"	"	"	"
	19	226° 02' 00"	"	"	"	"	"	"
19	18	0° 00' 00"	"	"	"	"	"	"
	20	210° 05' 35"	321° 03' 57"	457,80	-287,70	356,11	2377,71	950,65
	21	218° 37' 20"	"	"	"	"	"	"
	66	221° 28' 45"	"	"	"	"	"	"
66	56	348° 57' 00"	"	"	"	"	"	"
	19	0° 00' 00"	"	"	"	"	"	"
	20	143° 14' 05"	"	151,00	"	"	"	"
20	21	174° 53' 05"	"	"	"	"	"	"
	66	0° 00' 00"	"	"	"	"	"	"

Estaciones	Ante observado	Angulos horizontales	Azimuts	Distancias metros	Coordenadas parciales X	Coordenadas parciales Y	Coordenadas totales X	Coordenadas totales Y
20	19	25° 22' 45"	"	"	"	"	"	"
	21	227° 15' 00"	342° 54' 12"	295, 25	-86, 80	282, 20	2290, 91	1232, 85
21	20	0° 00' 00"	"	"	"	"	"	"
	22	173° 53' 40"	"	"	"	"	"	"
	76	217° 27' 50"	20° 22' 02"	197, 33	62, 68	184, 99	2359, 59	1117, 84
	66	344° 26' 00"	"	"	"	"	"	"
76	21	0° 00' 00"	"	"	"	"	"	"
	22	36° 19' 40"	"	138, 15	"	"	"	"
	23	110° 20' 10"	"	"	"	"	"	"
	24	123° 40' 00"	324° 02' 02"	816, 70	-477, 65	661, 01	1879, 94	2078, 25
	84	130° 44' 50"	"	"	"	"	"	"
22	76	0° 00' 00"	"	"	"	"	"	"
	21	100° 06' 10"	"	"	"	"	"	"
	23	272° 28' 30"	"	"	"	"	"	"
	84	292° 02' 50"	"	"	"	"	"	"
23	22	0° 00' 00"	"	"	"	"	"	"
	24	189° 13' 30"	"	"	"	"	"	"
	106	193° 53' 00"	"	"	"	"	"	"
	96	215° 35' 10"	"	"	"	"	"	"
	76	341° 32' 00"	"	"	"	"	"	"
24	23	0° 00' 00"	"	"	"	"	"	"
	25	173° 20' 10"	331° 43' 32"	238, 56	-112, 10	210, 10	1766, 94	2288, 95
	106	189° 13' 30" 189° 13' 30"	"	"	"	"	"	"
	96	215° 35' 10" 215° 35' 10"	"	"	"	"	"	"
	76	341° 32' 00" 341° 32' 00"	"	"	"	"	"	"
25	24	0° 00' 00"	"	"	"	"	"	"
	26	172° 55' 30"	"	"	"	"	"	"
	126	174° 30' 40"	326° 14' 12"	810, 97	-450, 70	674, 19	1316, 24	2963, 14
	136	175° 33' 30"	"	"	"	"	"	"
	116	189° 17' 20"	"	"	"	"	"	"
	106	218° 32' 30"	"	175, 00	"	"	"	"
106	25	0° 00' 00"	"	"	"	"	"	"
	26	115° 58' 35"	"	"	"	"	"	"
	126	125° 54' 10"	"	"	"	"	"	"
	24	337° 39' 30"	"	"	"	"	"	"
116	25	0° 00' 00"	"	"	"	"	"	"
	26	112° 45' 00"	"	152, 30	"	"	"	"
	126	150° 27' 30"	"	"	"	"	"	"
26	116	0° 00' 00"	"	"	"	"	"	"

Estaciones	Puntos de observación	Altimetros	Distancias metros	Angulos horizontales	Coordenadas parciales		Coordenadas parciales	
					x	y	x	y
16	106	"	"	32° 31' 00"	"	"	"	"
	126	"	"	234° 57' 45"	"	"	"	"
	136	"	"	236° 07' 25"	"	"	"	"
126	26	0° 00'	"	0° 00' 00"	"	"	"	"
	27	"	"	175° 05' 00"	"	"	"	"
	28	"	"	175° 14' 10"	"	"	"	"
	136	"	"	183° 04' 20"	"	"	"	"
	29	349° 18' 32"	480, 14	200° 35' 20"	-87.08	-471.83	-1227.16	3434.74
	25	"	"	357° 31' 00"	"	"	"	"
27	126	0° 00' 00"	93.80	0° 00' 00"	"	"	"	"
	28	218° 14' 30"	"	318° 14' 30"	"	"	"	"
28	27	"	"	0° 00' 00"	"	"	"	"
	29	"	"	224° 34' 45"	"	"	"	"
	32	"	"	239° 39' 40"	"	"	"	"
	146	"	"	247° 24' 55"	"	"	"	"
	136	"	"	335° 07' 30"	"	"	"	"
	126	"	"	347° 57' 55"	"	"	"	"
29	28	"	"	0° 00' 00"	"	"	"	"
	30	85° 37' 12"	217, 56	245° 05' 00"	216, 93	16, 49	-1444, 07	3451, 46
	146	"	104, 00	311° 43' 00"	"	"	"	"
	126	"	"	328° 44' 20"	"	"	"	"
146	29	"	"	0° 00' 00"	"	"	"	"
	32	"	"	59° 17' 20"	"	"	"	"
	30	"	"	85° 48' 00"	"	"	"	"
	28	"	"	251° 06' 25"	"	"	"	"
30	146	"	"	0° 00' 00"	"	"	"	"
	27	"	"	27° 34' 00"	"	"	"	"
	33	355° 32' 32"	525, 07	117° 27' 20"	-40, 81	523, 48	1403, 28	3974, 94
	32	"	"	127° 45' 15"	"	"	"	"
	31	"	"	175° 49' 15"	"	"	"	"
156	156	"	180, 00	212° 00' 40"	"	"	"	"
	30	"	180, 00	0° 00' 00"	"	"	"	"
	31	"	"	46° 47' 40"	"	"	"	"
	32	"	"	52° 05' 50"	"	"	"	"
	33	"	"	67° 02' 40"	"	"	"	"
	146	"	"	343° 07' 30"	"	"	"	"
	29	"	"	357° 34' 10"	"	"	"	"
16	33	"	177, 00	0° 00' 00"	"	"	"	"
	34	"	"	91° 35' 25"	"	"	"	"

Observaciones	Puntos observados	Angulos horizontales	Azimuts	Distancias	Coordenadas parciales		Coordenadas		
					x	y	x	y	
16	35	155° 10' 15"	"	"	"	"	"	"	
33	15 b	0° 00' 00"	"	"	"	"	"	"	
	30	18° 11' 00"	"	"	"	"	"	"	
	34	236° 53' 115"	"	"	"	"	"	"	
	35	257° 10' 10"	19° 28' 32"	652, 37	1195, 89	1123, 90	1899, 17	1398, 84	
	17 b	256° 11' 05"	"	"	"	"	"	"	
35	16 b	270° 32' 55"	"	"	"	"	"	"	
	16 b	0° 31' 00"	"	"	"	"	"	"	
	33	6° 37' 00"	"	"	"	"	"	"	
	18 b	156° 16' 15"	19° 37' 57"	287, 28	96, 52	170, 58	1995, 69	4669, 42	
	17 b	205° 56' 55"	"	164, 10	"	"	"	"	
17 b	35	0° 00' 00"	"	"	"	"	"	"	
	36	67° 29' 50"	"	"	"	"	"	"	
	18 b	96° 13' 20"	"	"	"	"	"	"	
	18 b	17 b	0° 00' 00"	"	"	"	"	"	"
		35	34° 36' 00"	"	"	"	"	"	"
36		123° 44' 00"	"	"	"	"	"	"	
38	38	120° 56' 40"	285° 58' 37"	616, 42	-592, 61	169, 67	1103, 02	4839, 09	
	19 b	130° 57' 50"	"	"	"	"	"	"	
	18 b	0° 00' 00"	"	"	"	"	"	"	
	21 b	222° 35' 40"	228° 24' 17"	173, 53	-246, 92	402, 26	1156, 16	5213, 15	
	22 b	265° 30' 40"	"	131, 00	"	"	"	"	
19 b	19 b	299° 07' 40"	"	113, 50	"	"	"	"	
	38	0° 50' 00"	"	113, 30	"	"	"	"	
	18 b	250° 53' 30"	"	"	"	"	"	"	
	20 b	38	0° 00' 00"	"	131, 00	"	"	"	"
		21 b	123° 47' 30"	"	"	"	"	"	"
21 b		0° 00' 00"	"	"	"	"	"	"	
39	38	13° 27' 30"	"	"	"	"	"	"	
	39	102° 30' 50"	"	152, 10	"	"	"	"	
	40	117° 29' 50"	266° 14' 27"	576, 13	-573, 18	-57, 85	580, 98	5205, 30	
	39	31 b	0° 00' 00"	"	"	"	"	"	"
		40	109° 55' 11"	"	"	"	"	"	"

Nota: Las abscisas o X se consideran de Este a Oeste, y las Y, si verdaderas de Norte a Sur. - Conviene observar que en las columnas de los abscisas y puntos observados las cifras arábigas acompañadas de la letra B (abreviacion de 622) corresponden a puntos situados en el territorio de Nicaragua y levantados únicamente con objeto de auxiliar las operaciones. - Los puntos cuyas cifras no van acompañadas de dicha letra B se encuentran sobre la línea Sur.

"sona entre ambos países. - Los ángulos se han obtenido haciendo un promedio de varias observaciones." - Se hace constar que para mayor claridad y con autorización del señor Ingeniero Arbitro, se ha convenido insertar en los libros de Actas el resultado del levantamiento de la línea divisoria por pequeñas secciones, más bien que día por día, lo cual facilita además la rectificación oportuna de las operaciones; y fijar la situación de cada punto de la poligonal directriz, relacionando los directamente con el mojón inicial por continuadas rectilíneas, cuyo cero u origen se supone en dicho monumento. - Y para los efectos del Art. 8 de las Convenciones Aperturas Pacheco, hacemos constar por la arriba expresado en los presentes actos, que firmamos y autorizamos con nuestros sellos. - Errata corrigi = En la página 28 línea 13 entre las palabras "y geográfica;" y "la correspondiente"; léase "del lugar de la observación". - En la página 28, línea 30, entre las palabras "estaca" y "se ha", léase "H. III". - En la página 28 líneas 31, las palabras "rellenado con cemento" no valen. - En la página 31, línea 32, hasta la 34, las palabras "(en seguida etc... hasta se procedió)" no valen. - En la página 31 línea 11 las cantidades "sobre raspado" $365,83 = 323,90 = 170,06 =$ valen. - En la página 32 línea 11, la cantidad que dice $66^{\circ} 10' 00''$ sobre raspado = vale =. En la página 32 línea 12, $77^{\circ} 15' 00''$ sobre raspado, vale =. En la página 32, línea 13 la cantidad $146^{\circ} 37' 00''$, vale =. En la página 35 línea 26 en la columna "Ángulos horizontales", léase $189^{\circ} 31' 40''$ en la siguiente línea de la misma columna, léase $323^{\circ} 08' 45''$; y en la siguiente línea de la misma columna, léase: $345^{\circ} 38' 40''$ - En la página 36, líneas 7, 13, 14 de la columna "Ángulos", las cantidades tachadas, no valen. -

Andrés Navarrete

E. P. Alexander



Acta no. XI

En la ciudad de San Juan del Norte a las ocho de la mañana del día veinte y seis de Marzo de (1898) mil ochocientos noventa y ocho en el local de costumbre, presentes los Comisionados Señor Doctor Don Salvador Castille y Señor Ingeniero Don Andrés Navarrete, el primero por Nicaragua y el segundo por Costa Rica, y el Señor Ingeniero Arbitrador, el Señor Castille hizo constar que la ausencia anterior de los Comisionados Nicaraguenses está explicada

en los oficios de 7 de Enero proximo pasado y de 16 de Marzo del actual, y que durante su ausencia por su parte no se ha dejado de dar toda facilidad y de contribuir a la ejecución de las operaciones de medida y amojonamiento, pues han sido practicadas por los empleados de Nicaragua, con instrucciones de aquellos; y ha concurrido un ingeniero asociado del Perú Comisionado por Costa Rica; y ambos Comisionados dijeron que así como hasta ahora a pesar de la tirantez de relaciones en que ambos países han estado han podido continuar libremente en el ejercicio de sus funciones, tienen el propósito de continuar en lo sucesivo, y declaran que las operaciones geodesicas practicadas en la margen derecha del río, línea divisoria entre Nicaragua y Costa Rica, si queriendo sus circunvoluciones, hasta la boca del Colorado, o su nacimiento son como se copia a continuación en el siguiente cuadro:

Estaciones	Puntos A señalados	Ángulos horizontales	Ángulos	Distancias metros	Coordenadas parciales X y	Coordenadas totales X y
40	216	0° 00' 00"	56° 14' 07"			
	21	246° 34' 55"	332° 49' 02"	331.35		
	236	267° 31' 30"	363° 40' 37"	893.31	-94.09 888.02	483.89 6093.32
41	140	0° 00' 00"				
	226	229° 59' 45"		325.25		
227	141	0° 00' 00"				
	143	133° 35' 20"				
	237	143° 27' 30"		362.10		
238	140	0° 00' 00"				
	142	36° 50' 00"		114.90		
	143	155° 33' 40"	329° 19' 17"	420.08	214.33 361.29	269.56 6454.61
	226	352° 30' 40"				
143	236	0° 00' 00"				
	226	7° 04' 00"				
	216	232° 58' 20"	22° 17' 37"	1938.57	731.58 1784.37	1001.14 8232.98
	246	281° 07' 10"		119.80		
248	43	0° 00' 00"				

Estaciones	Punto observados	Angulo horizontal	Azimuts	Distancia metros	Coordenadas parciales x	Coordenadas parciales y	Coordenadas x	Coordenadas y	total y
	44	97° 19' 00"		240.20					
44	244	0° 00' 00"							
	256	227° 37' 40"		113.25					
256	44	0° 00' 00"							
	45	156° 09' 10"		370.50					
45	256	0° 05' 00"							
	266	172° 23' 40"		308.00					
266	45	0° 00' 00"							
	46	150° 31' 40"		239.80					
46	266	0° 00' 00"							
	276	226° 27' 20"		384.50					
276	43	0° 00' 00"							
	46	18° 57' 25"							
	47	137° 07' 40"		253.50					
	48	161° 29' 20"	3° 46' 57"	841.38	35.49	839.65	1056.63	9078.53	
47	276	0° 00' 00"							
	286	231° 55' 10"		437.50					
286	47	0° 00' 00"							
	48	128° 49' 00"		242.95					
48	276	0° 00' 00"							
	296	219° 50' 30"	43° 37' 27"	286.50	197.66	207.39	1254.29	9285.92	
	306	336° 22' 30"							
296	48	0° 00' 00"							
	49	112° 49' 50"		335.50					
	316	116° 19' 10"	337° 56' 37"	1295.60	-444.31	1217.02	807.98	10502.94	
49	296	0° 00' 00"							
	306	230° 57' 20"		256.15					
306	49	0° 00' 00"							
	50	118° 40' 30"		439.00					
50	306	0° 00' 00"							
	316	211° 37' 30"		368.50					
316	296	0° 00' 00"							
	50	6° 46' 00"							
	51	165° 00' 20"		304.70					
	52	167° 01' 30"	327° 48' 07"	770.77	-410.70	652.23	399.28	1155.17	
51	316	0° 00' 00"							
	326	172° 21' 30"		267.90					
326	51	0° 00' 00"							
	52	161° 58' 00"		204.50					

Estaciones	Puntos abast. en dist.	ángulo horizontal	afinments	distancia metros	Coordenadas por unidas	Coordenadas x	Coordenadas totales
52	33 ₁	0° 30' 00"		336.70			
	34 ₁	227° 18' 20"	18° 18' 07"	527.36	165.60	511.69	11655.88
	32 ₁	351° 33' 20"					
33 ₁	52	0° 00' 00"					
	31 ₁	188° 47' 30"		191.70			
	53	23° 53' 00"		37.70			
	54	118° 30' 00"		237.40			
34 ₁	52	0° 00' 00"					
	33 ₁	5° 35' 50"					
	35 ₁	114° 05' 20"		1446.50			
	56	118° 54' 20"	317° 12' 27"	1207.09	-319.99	885.74	-2.55.11 12541.60
35 ₁	34 ₁	0° 00' 00"					
	55	189° 30' 55"		209.70			
55	35 ₁	0° 00' 00"					
	36 ₁	176° 56' 40"		256.50			
36 ₁	55	0° 00' 00"					
	56	144° 59' 30"		323.25			
56	34 ₁	0° 00' 00"					
	37 ₁	224° 53' 20"	2° 05' 47"	335.20	12.26	334.98	-242.85 12876.58
	36 ₁	246° 38' 20"					
37 ₁	56	0° 00' 00"					
	57	148° 57' 30"	331° 03' 17"	312.70	-157.34	273.64	-394.19 13150.22
57	37 ₁	0° 00' 00"					
	38 ₁	232° 03' 00"		324.70			
	62	232° 45' 50"	23° 49' 07"	2609.10	1053.66	2386.88	657.47 15537.10
38 ₁	57	0° 00' 00"					
	58	153° 37' 00"		231.60			
58	38 ₁	0° 00' 00"					
	59	210° 20' 30"		288.50			
59	58	0° 00' 00"					
	39 ₁	233° 07' 30"		356.70			
39 ₁	57	0° 00' 00"					
	60	111° 56' 50"		272.15			
60	39 ₁	0° 00' 00"					
	40 ₁	231° 34' 40"		374.30			
40 ₁	60	0° 00' 00"					
	61	120° 17' 10"		387.10			
61	40 ₁	0° 00' 00"					
	41 ₁	232° 06' 45"		346.80			

42

Estaciones	Punto anterior	Angulo horizontal	Azimute	Distancia metros	Coordenadas parciales x y	Coordenadas totales x y
X 41 _e	61	0° 00' 00"				
	62	148° 45' 30"		342.80		
62	57	0° 00' 00"				
	417 _e	227° 12' 10"	73° 01' 17"	2347.35	2246.74	686.03
	42 _e	237° 02' 10"		1136.00		2906.41
	41 _e	354° 02' 20"				16223.13
42 _e	62	0° 05' 00"				
	43 _e	150° 03' 20"		380.00		
43 _e	42 _e	0° 06' 00"				
	44 _e	187° 07' 40"		398.50		
44 _e	43 _e	0° 00' 00"				
	63	190° 04' 10"		175.50		
63	44 _e	0° 00' 00"				
	45 _e	212° 30' 00"		342.50		
45 _e	63	0° 00' 00"				
	46 _e	130° 27' 40"		342.50		
46 _e	45 _e	0° 00' 00"				
	64	181° 25' 30"		464.00		
	47 _e	214° 58' 20"		393.00		
47 _e	62	0° 00' 00"				
	46 _e	15° 02' 00"				
	65	138° 57' 20"	31° 58' 37"	374.00	198.00	317.25
65	47 _e	0° 00' 00"				3104.47
	48 _e	239° 14' 40"		311.80		16540.38
	66	227° 44' 00"	79° 42' 37"	680.85	669.41	121.53
48 _e	65	0° 00' 00"				3773.88
	66	157° 01' 00"		380.00		16661.91
66	65	0° 00' 00"				
	51 _e	210° 02' 40"	107° 45' 17"	1262.98	1188.65	-426.87
	49 _e	222° 02' 40"		365.00		4762.53
	48 _e	350° 32' 20"				16235.02
49 _e	66	0° 00' 00"				
	52 _e	158° 41' 30"		177.50		
52 _e	49 _e	0° 00' 00"				
	67	176° 39' 30"		308.10		
67	52 _e	0° 00' 00"				
	51 _e	175° 14' 30"		408.50		
51 _e	66	0° 00' 00"				
	67	3° 00' 00"				

Estaciones	Puntos de señalados	Ángulos horizontales	Sumas	Distancias medidas	Coordenadas parciales Y	Coordenadas X
73	61 _r	357° 48' 00"				
	62 _r	0° 00' 00"				
	63 _r	221° 44' 46"		232.90		
62 _r	73	0° 00' 00"				
	63 _r	192° 25' 40"		270.00		
63 _r	62 _r	0° 00' 00"				
	74	121° 03' 40"		347.00		
74	63 _r	0° 00' 00"				
	64 _r	235° 07' 25"		379.00		
64 _r	74	0° 00' 00"				
	75	130° 31' 00"		377.50		
75	64 _r	0° 00' 00"				
	a	96° 53' 30"				
	b	150° 18' 00"				
	c	154° 24' 40"				
	d	182° 26' 00"				
	76	175° 45' 15"		1142.49		
65 _r	65 _r	257° 54' 30"		221.70		
	75	0° 00' 00"				
	a	18° 32' 20"				
	b	29° 25' 30"				
	c	57° 13' 00"				
	d	94° 02' 20"				
	76	113° 35' 36"				
76	61 _r	0° 00' 00"				
	75	1° 11' 10"				
	65 _r	350° 56' 00"				

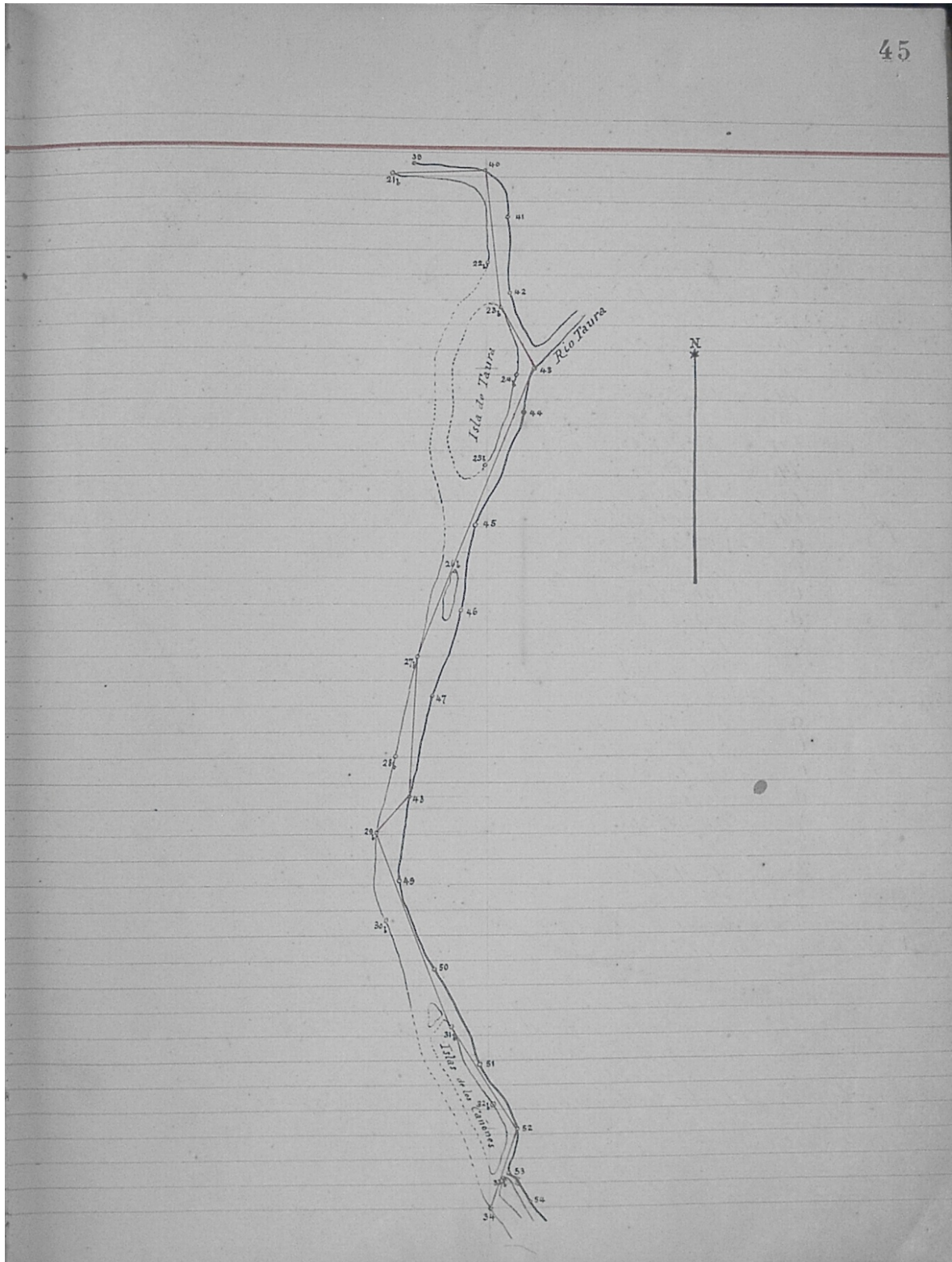
Los cálculos que faltan ahora, se llevarán tan luego se hayan practicado, como se mencionan en el Acta, de los días Santos en que no se pudieron hacer operaciones en el campo, y el Sr. Comisionario Navarrete podrá mientras tanto ir a Costa Rica con el fin de traer el trozo de granito que debe coronar el mojón inicial; y firmar esta acta por los presentes después de hacer constar que ha recibido de la primera vez, y ha por el Comisionario Sr. Castillo en diez y siete del presente al Sr. Substituto Sr. Arce y notificar al Sr. Arce que se incluirá en el Acta próxima. Nota: en la página 44, entre las líneas 3 y 4, el renglón que dice "52-34-00'00"-tal.

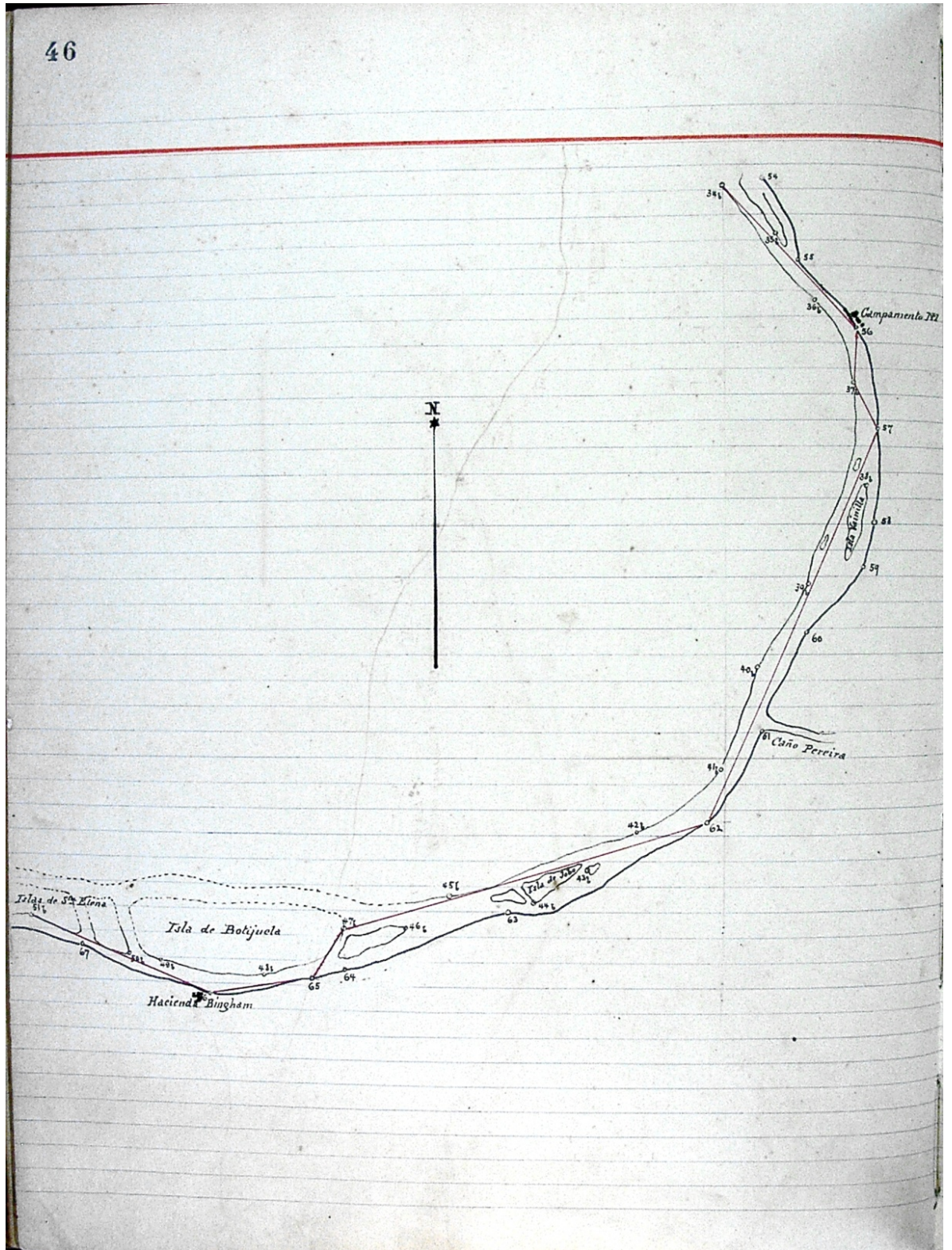
Andrés Navarrete

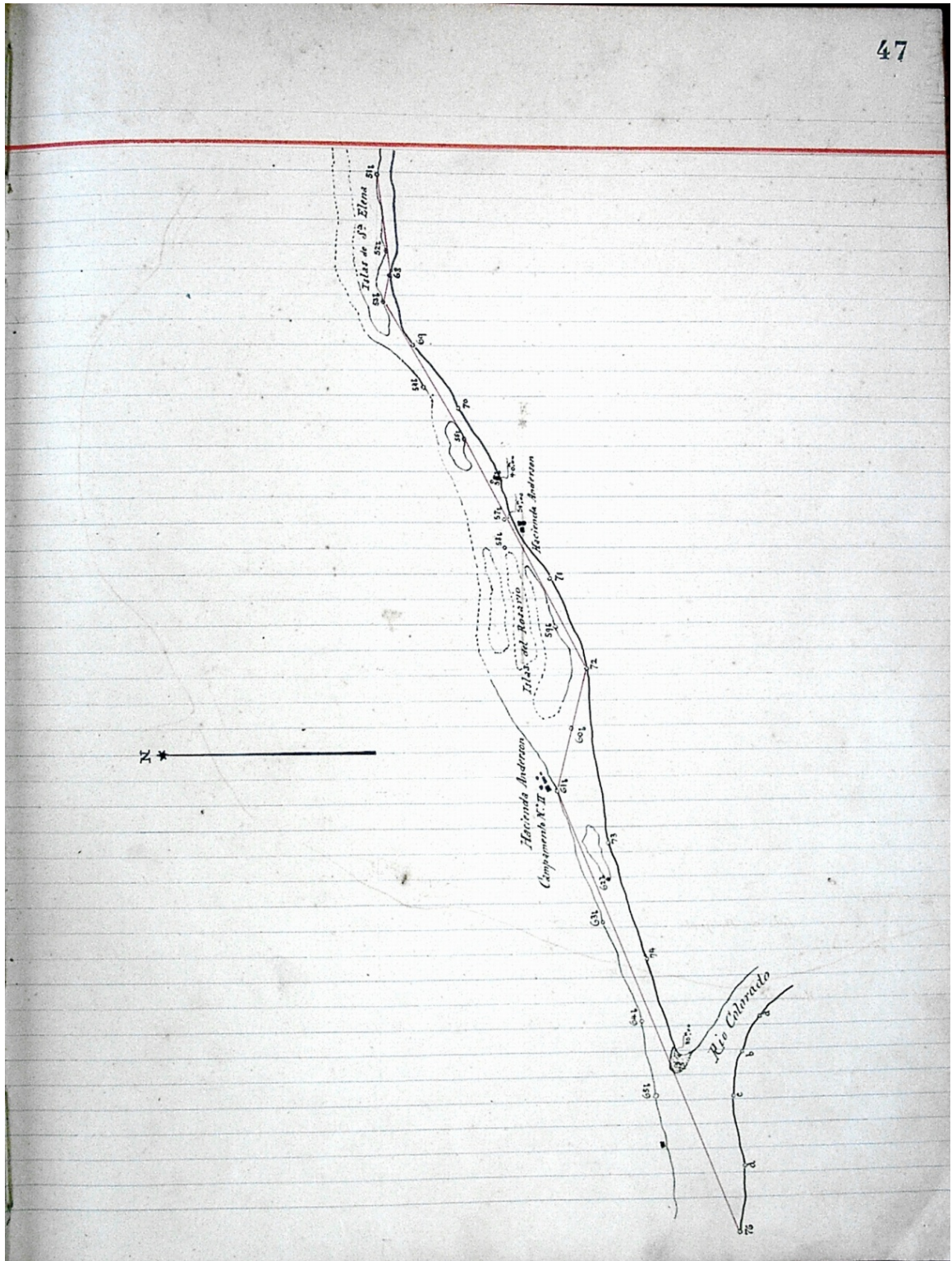
Ed. Alejandro



Salvador Castillo







Acta XII.

En la ciudad de San Juan del Norte, en el lugar de costumbre, a las doce
 dias del mes de abril de mil ochocientos noventa y siete, el Comisionario Nicaraguense don Sal-
 vador Castillo acciñó al Abolito señor General E. P. Magaña, que según el tratado
 de Madrid, Pacificó y limitó a la Comisión de límites con todas las facultades como si estuvieran
 presentes los otros Comisionarios, hacen constar que el punto N.º 3.º dictado por el Sr. Abolito el
 día anterior del mes de marzo, y notificado en ambas Comisiones en debida forma, es
 como sigue: — *Sumo N.º 3.º of San Juan del Norte, March 22nd 1897.* — *It is the Commission of Li-*
mits of Nicaragua and Costa Rica. — *Spullower.* — In stating the reasons influencing me
 in my Award N.º 2.º I referred briefly to the fact that, in accordance with well known
 precepts of International Law, the exact location of the boundary line now being defined
 by this Commission along the right bank of the San Juan may be altered, in the future,
 by possible changes in the banks or channels of the river. — I am now requested by
 the Nicaraguan Commissioners, at present on duty with the Commission, to supplement
 this award with a more exact declaration of the legal character and permanence, or stability,
 of this line as it is now being defined and measured from day to day. — Practically, I am
 asked to declare that this line will retain its character as the exact boundary
 line only so long as the water in the river retains its present level, and that
 the boundary then on any future day will be determined by the height of the
 water on that day. — The argument advanced in support of this proposition is as
 follows: "I do not think it necessary, at this time to make a superfluously precise
 distinction on the meaning of the 'course' or 'bed' of a river; it is all that
 zone of territory in which the water runs in greater or lesser volume, nevertheless
 I will recall the doctrine of the Expounders of the Rights of Nations, which
 is summed up by don Carlos Calvo in his book 'Le Droit International Ge-
 nique et Politique', Lib. 4.º S. 1175, page 185 in these words: 'Frontiers that are
 marked out by currents of water, are subject to variations when their beds
 undergo changes....' — And once I assert that Modern Codes agree with this doctrine
 that the ground which a river or lake, periodically, covers and uncovers does not
 become necessary to the neighbouring land, since it is the bed of its waters.
 This too is shown in the Civil Code of Honduras, in these words: 'The
 ground which the water alternately occupies and disoccupies in its period-
 ical rise and fall does not become accessory to the adjoining hereditaments.
 (Article 798)' — It is self evident, therefore, that the mathematically correct line
 which has been, and which, under similar circumstances, may hereafter be
 run, can serve as an illustration and reference of more or less utility, but by
 no means as an exact representation of the dividing boundary, which is and
 must always be, the right bank of the river, in whatever form it may be any
 given time. — This argument of the Commissioner, taken in connection with
 the request contained in his letter, as stated above, indicates a mistaken
 conception which it is important to correct. — It is strictly true, that the
 'right bank of the river in whatever form it may be will always fix the

boundary line, but the Commissioners evidently mis-conceive that the legal
 location of the line defining the bank of a river will vary with the height
 of the water in the river. The word "bank" is, indeed, often loosely applied
 in conversation to the first dry ground rising above the water, but the
 inaccuracy of such use becomes apparent if we consider the cases where
 rivers overflow their banks for many miles, or where their beds go entirely
 dry. Such an indefinite use of the word is not permissible in the interpret-
 ation of a treaty defining a boundary line. The object of every boundary
 line is to promote peace by preventing conflicts of jurisdiction. To accomplish
 this it must possess all attainable stability. - It would plainly be an intoler-
 able state of affairs to residents and owners of property near the borders
 of two countries, if the line that determined to which country one owed his
 allegiance and taxes and whose laws governed all his affairs, should alter-
 nately sweep back and forth, such a line would be a device for breeding
 trouble, instead of one to prevent it. It is not necessary to illustrate the
 difficulties which would arise, for instance, if certain lands and forests, and
 their owners, and residents or people employed in any way there in, were
 required to be Costa Ricans in dry seasons, and Nicaraguans in wet, and
 alternately one and the other in intermediate times. But exactly such difficul-
 ties would be inevitable should the boundary line between these two countries
 be the daily shifting edge where the dry land first rises above the water
 on the Costa Rican side. For in the rainy season the river water overflows
 the land for many miles in certain localities. - It is for these reasons that
 writers upon international law expressly state that temporary overflows do
 not carry title to the overflowed land. That is the true meaning of the
 quotations made by the Nicaraguan Commissioners from the Code of Roman
 law. Applied to this case it is as though it read: "The Costa Rican ground
 which the Nicaraguan water alternately occupies and disoccupies, and its
 periodical rise and fall, does not become necessary to the adjoining (Nica-
 raguan) hereditaments." - For further proof of the universality of this rule,
 I will here permit to send for details, I could quote a great number of
 cases from the United States, where there are many instances of States separat-
 ed by rivers, one of the banks, and not the thread of the stream, being
 the boundary. With one such case I am personally familiar, where the
 left bank of the Savannah river constitutes the boundary line between
 Georgia, on the right, and South Carolina on the left. In times of
 freshet the river covers miles of South Carolina territory but does not carry
 Georgia law or jurisdiction beyond the ordinary low water mark. - To do
 so would be of no advantage to Georgia, and I am unbearable instance to
 South Carolina - nor can I believe that there exists in the world an example
 of such a shifting boundary. - Clearly, then, wherever a treaty designates
 that the bank of a river shall be taken as a boundary, what is intended

"is not the temporary edge of dry land left uncovered in extraordinary stages
 "of the water, either high or low, but the bank at an ordinary stage of water.
 "And when it is under deposit by accretion it becomes permanent as the
 "surface of the soil on which it stands. - Should the bank waste away it recedes.
 "Should the bank grow further into the stream, it advances. - Periodical high
 "and low waters do not affect it. And this entirely agrees with the precept
 "of Don Felipe Calvo, quoted by the Nicaraguan Commissioner: "Frontiers that
 "are marked out by currents of water are subject to variations when their
 "level undergoes changes." In other words it is the bed that governs, and not the
 "level of the water in it, or over it, or under it. As to possible future changes
 "of beds or banks and their effects, it would be vain to attempt to discuss
 "all and misleading to discuss any which may possibly occur. - It is not the
 "function of this Commission to lay down rules for future contingencies but
 "to define and mark the boundary of the present day. - To settle up then
 "briefly, and for the clearer understanding of the whole matter, and also in
 "accordance with the principle announced in my first award that in the juris-
 "dical interpretation of the Treaty of 1858, the San Juan river must be treated
 "as a navigable stream, I hereby declare the exact line of division between
 "the jurisdictions of the two countries to be the edge of the water upon the
 "right bank, when the river is at an ordinary stage but still navigable
 "by the vessels or boats in general use. In this stage every bit of the water
 "and the river is in the jurisdiction of Nicaragua. Every bit of the land
 "on the right bank is in the jurisdiction of Costa Rica. - The survey and
 "locations now being made, by the party in the field, from day to day det-
 "ermines points upon this line at convenient intervals, but the boundary line
 "between these points does not run by straight lines but by the wavy edge
 "at the navigable stage as above stated, thus making a crooked line of immen-
 "sable irregularities which it would be of great expense and little value to
 "have accurately. - Variations of the water level will not alter the location
 "of the boundary line but changes of the banks or channels of the river will
 "alter it as may be determined by the precepts of International law applicable
 "to each case as it may arise. I am, gentlemen, very respectfully - Your obedient
 "servant - E. P. Alexander." Cambiase le hace constar que se han hecho ya
 "los cálculos, cuyo resultado se ha puesto en las columnas correspondientes de que
 "el plano que precede a esta acta representa la línea decidida. - Firmase
 "y autografa esta acta con sus sellos. - Nota - Entre las líneas 2ª y 3ª pag 118, las palabras "y a
 "las ocho de la mañana" Valen.



E. P. Alexander



Acta XXVII

En la ciudad de Managua, en el Salón de Sesiones del Congreso, á los veinte y cuatro días del mes de Julio del año de mil novecientos. — Se constituyen las Comisiones de Límites de Nicaragua y Costa Rica, integradas por el Arbitro, Ingeniero General E. P. Alexander, con el importante fin de celebrar la última acta, en que deben cerrarse sus actos y dar se por concluidas todas las operaciones que comenzaron en mayo del año de mil ^{novecientos} noventa y siete, demarcando la línea divisoria entre las dos Repúblicas mencionadas; y llevando a efecto ese propósito, por unánime acuerdo, declararon: 1: La línea divisoria entre Nicaragua y Costa Rica, queda definitivamente demarcada, desde el punto de partida en el Atlántico, en Punta de Castilla, en el lugar designado en el Laudo Arbitral (N.º 1; y continúa por ^{por} la margen derecha de la costa de "Harbour Head", y sigue ^{por} la margen derecha del primer caño que se encuentra allí, y continúa ^{por} la del río San Juan, hasta el punto que está distante tres millas inglesas de las fortificaciones exteriores del Castillo Viejo: todo esto conforme las operaciones geodésicas y planos que se ven en las actas correspondientes. Continúa después al rededor del Castillo, como se demarcó en la respectiva acta; y sigue la paralela al río y Lago con la distancia calculada y representada también en las actas. Llegó al punto del Río de Sapó, que está dos millas distante del Lago; y sigue la Línea Astronómica, hasta la costa de la Bahía de Salinas, en precisión al punto céntrico de la misma, con la situación matemática consignada en el Plano. — Queda esta demarcación en tres ejemplares, compuestos de dos tomos cada uno, escritos dos ejemplares en Castellano y uno en Inglés; firmados y sellados por arreglo al Testado Matus Pacheco, y serán entregados los ejemplares en Castellano, uno a cada uno de los Gobiernos de dichas dos Repúblicas, y el tercero escrito en Inglés, será entregado por el señor Arbitro al Gobierno de los Estados Unidos de Norte América. — 2: Con esta demarcación quedan concluidas todas las cuestiones que por límites indefinidos, han tenido hasta hoy entre sí, las Repúblicas de Nicaragua y Costa Rica. — 3: Las Comisiones encargan la construcción de ocho mojones que aun no han sido construídos, al Leónomo don Amadeo Quirós P., quien hará el gasto de cuenta de ambos Gobiernos. — 4: Al concluir sus funciones, los Comisionados de las dos Repúblicas, en nombre de sus respectivos Gobiernos, manifiestan al señor Ingeniero Arbitro General E. P. Alexander la gratitud de ambos países, por la buena voluntad y (gratitud) rectitud con que ha desempeñado su cometido. — 5: Y siendo terminada ya el encargo, que se les confirió, las Comisiones se disuelven desde esta fecha; firmando y autorizando esta Acta con sus respectivos sellos. — Nota: En la página 60, línea 8, donde dice (novecientos) léase ochocientos.

cientos; en la misma página, en las líneas 14, 15 y 16, donde dice (por) lee-
se con; y en la línea 39, de la misma página, la palabra (gratis) no-
vale. — 6.º y último: El Ingeniero Arbitro, al poner aquí su sello y firma, se siente
impulsado a expresar su ferviente y profunda estimación, por la efusividad y pronta
acatamiento con que fueron recibidos, sin observación alguna, por ambos
Gobiernos, todos sus lauros, y por el excelente trabajo, que venciendo grandes
dificultades, llevaron a efecto sus leales y cumplidos ingenios, que
tuvieron a su cargo la demarcación; y muy especialmente por la buena dis-
posición, el buen sentido y acertado juicio, de las dos Comisiones, que alla-
naron pequeñas diferencias y redujeron al mismo número, las cues-
tiones trascendentales, sometidas al fallo arbitral. —

E. P. Alexander

Lucas Fernández, Ing.



Salvador Castillo

J. Andrés Urtecho



Annex 14

Convention on Wetlands of International Importance especially as Waterfowl
Habitat, Ramsar (Iran), 2 February 1971 as amended by the Paris Protocol, of 3
December 1982, and Regina Amendments, 28 May 1987, 996 UNTS 245
Ramsar,
2 February 1971

The Convention on Wetlands text, as amended in 1982 and 1987

Convention on Wetlands of International Importance especially as Waterfowl Habitat

Ramsar, Iran, 2.2.1971
as amended by the Protocol of 3.12.1982
and the Amendments of 28.5.1987

Paris, 13 July 1994
Director, Office of International Standards and Legal Affairs
United Nations Educational, Scientific and Cultural Organization (UNESCO)

The Contracting Parties,

RECOGNIZING the interdependence of Man and his environment;

CONSIDERING the fundamental ecological functions of wetlands as regulators of water regimes and as habitats supporting a characteristic flora and fauna, especially waterfowl;

BEING CONVINCED that wetlands constitute a resource of great economic, cultural, scientific, and recreational value, the loss of which would be irreparable;

DESIRING to stem the progressive encroachment on and loss of wetlands now and in the future;

RECOGNIZING that waterfowl in their seasonal migrations may transcend frontiers and so should be regarded as an international resource;

BEING CONFIDENT that the conservation of wetlands and their flora and fauna can be ensured by combining far-sighted national policies with co-ordinated international action;

Have agreed as follows:

Article 1

1. For the purpose of this Convention wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth

of which at low tide does not exceed six metres.

2. For the purpose of this Convention waterfowl are birds ecologically dependent on wetlands.

Article 2

1. Each Contracting Party shall designate suitable wetlands within its territory for inclusion in a List of Wetlands of International Importance, hereinafter referred to as "the List" which is maintained by the bureau established under Article 8. The boundaries of each wetland shall be precisely described and also delimited on a map and they may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat.

2. Wetlands should be selected for the List on account of their international significance in terms of ecology, botany, zoology, limnology or hydrology. In the first instance wetlands of international importance to waterfowl at any season should be included.

3. The inclusion of a wetland in the List does not prejudice the exclusive sovereign rights of the Contracting Party in whose territory the wetland is situated.

4. Each Contracting Party shall designate at least one wetland to be included in the List when signing this Convention or when depositing its instrument of ratification or accession, as provided in Article 9.

5. Any Contracting Party shall have the right to add to the List further wetlands situated within its territory, to extend the boundaries of those wetlands already included by it in the List, or, because of its urgent national interests, to delete or restrict the boundaries of wetlands already included by it in the List and shall, at the earliest possible time, inform the organization or government responsible for the continuing bureau duties specified in Article 8 of any such changes.

6. Each Contracting Party shall consider its international responsibilities for the conservation, management and wise use of migratory stocks of waterfowl, both when designating entries for the List and when exercising its right to change entries in the List relating to wetlands within its territory.

Article 3

1. The Contracting Parties shall formulate and implement their planning so as to promote the conservation of the wetlands included in the List, and as far as possible the wise use of wetlands in their territory.
2. Each Contracting Party shall arrange to be informed at the earliest possible time if the ecological character of any wetland in its territory and included in the List has changed, is changing or is likely to change as the result of technological developments, pollution or other human interference. Information on such changes shall be passed without delay to the organization or government responsible for the continuing bureau duties specified in Article 8.

Article 4

1. Each Contracting Party shall promote the conservation of wetlands and waterfowl by establishing nature reserves on wetlands, whether they are included in the List or not, and provide adequately for their wardening.
2. Where a Contracting Party in its urgent national interest, deletes or restricts the boundaries of a wetland included in the List, it should as far as possible compensate for any loss of wetland resources, and in particular it should create additional nature reserves for waterfowl and for the protection, either in the same area or elsewhere, of an adequate portion of the original habitat.
3. The Contracting Parties shall encourage research and the exchange of data and publications regarding wetlands and their flora and fauna.
4. The Contracting Parties shall endeavour through management to increase waterfowl populations on appropriate wetlands.
5. The Contracting Parties shall promote the training of personnel competent in the fields of wetland research, management and wardening.

Article 5

1. The Contracting Parties shall consult with each other about implementing obligations arising from the Convention especially in the case of a wetland extending over the territories of more than one Contracting Party or where a water system is shared by Contracting Parties. They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.

Article 6

1. There shall be established a Conference of the Contracting Parties to review and promote the implementation of this Convention. The Bureau referred to in Article 8, paragraph 1, shall convene ordinary meetings of the Conference of the Contracting Parties at intervals of not more than three years, unless the Conference decides otherwise, and extraordinary meetings at the written requests of at least one third of the Contracting Parties. Each ordinary meeting of the Conference of the Contracting Parties shall determine the time and venue of the next ordinary meeting.

2. The Conference of the Contracting Parties shall be competent:

- a) to discuss the implementation of this Convention;
- b) to discuss additions to and changes in the List;
- c) to consider information regarding changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d) to make general or specific recommendations to the Contracting Parties regarding the conservation, management and wise use of wetlands and their flora and fauna;
- e) to request relevant international bodies to prepare reports and statistics on matters which are essentially international in character affecting wetlands;
- f) to adopt other recommendations, or resolutions, to promote the functioning of this Convention.

3. The Contracting Parties shall ensure that those responsible at all levels for wetlands management shall be informed of, and take into consideration, recommendations of such Conferences concerning the conservation, management and wise use of wetlands and their flora and fauna.

4. The Conference of the Contracting Parties shall adopt rules of procedure for each of its meetings.

5. The Conference of the Contracting Parties shall establish and keep under review the financial regulations of this Convention. At each of its ordinary meetings, it shall adopt the budget for the next financial period by a two-third majority of Contracting Parties present and voting.

6. Each Contracting Party shall contribute to the budget according to a scale of contributions adopted by unanimity of the Contracting Parties present and voting at a meeting of the ordinary Conference of the Contracting Parties.

Article 7

1. The representatives of the Contracting Parties at such Conferences should include persons who are experts on wetlands or waterfowl by reason of knowledge and experience gained in scientific, administrative or other appropriate capacities..

2. Each of the Contracting Parties represented at a Conference shall have one vote, recommendations, resolutions and decisions being adopted by a simple majority of the Contracting Parties present and voting, unless otherwise provided for in this Convention.

Article 8

1. The International Union for Conservation of Nature and Natural Resources shall perform the continuing bureau duties under this Convention until such time as another organization or government is appointed by a majority of two-thirds of all Contracting Parties.

2. The continuing bureau duties shall be, *inter alia*:

- a) to assist in the convening and organizing of Conferences specified in Article 6;
- b) to maintain the List of Wetlands of International Importance and to be informed by the Contracting Parties of any additions, extensions, deletions or restrictions concerning wetlands included in the List provided in accordance with paragraph 5 of Article 2;
- c) to be informed by the Contracting Parties of any changes in the ecological character of wetlands included in the List provided in accordance with paragraph 2 of Article 3;
- d) to forward notification of any alterations to the List, or changes in character of wetlands included therein, to all Contracting Parties and to arrange for these matters to be discussed at the next Conference;
- d) to make known to the Contracting Party concerned, the recommendations of the Conferences in respect of such alterations to the List or of changes in the character of wetlands included therein.

Article 9

1. This Convention shall remain open for signature indefinitely.

2. Any member of the United Nations or of one of the Specialized Agencies or of the International Atomic Energy Agency or Party to the Statute of the International Court of Justice may become a Party to this Convention by

signature without reservation as to ratification;

signature subject to ratification followed by ratification;
accession.

3. Ratification or accession shall be effected by the deposit of an instrument of ratification or accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization (hereinafter referred to as "the Depository").

Article 10

1. This Convention shall enter into force four months after seven States have become Parties to this Convention in accordance with paragraph 2 of Article 9.

2. Thereafter this Convention shall enter into force for each Contracting Party four months after the day of its signature without reservation as to ratification, or its deposit of an instrument of ratification or accession.

Article 10 bis

1. This Convention may be amended at a meeting of the Contracting Parties convened for that purpose in accordance with this article.

2. Proposals for amendment may be made by any Contracting Party.

3. The text of any proposed amendment and the reasons for it shall be communicated to the organization or government performing the continuing bureau duties under the Convention (hereinafter referred to as "the Bureau") and shall promptly be communicated by the Bureau to all Contracting Parties. Any comments on the text by the Contracting Parties shall be communicated to the Bureau within three months of the date on which the amendments were communicated to the Contracting Parties by the Bureau. The Bureau shall, immediately after the last day for submission of comments, communicate to the Contracting Parties all comments submitted by that day.

4. A meeting of Contracting Parties to consider an amendment communicated in accordance with paragraph 3 shall be convened by the Bureau upon the written request of one third of the Contracting Parties. The Bureau shall consult the Parties concerning the time and venue of the meeting.

5. Amendments shall be adopted by a two-thirds majority of the Contracting Parties present and voting.

6. An amendment adopted shall enter into force for the Contracting Parties which have accepted it on the first day of the fourth month following the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance with the Depositary. For each Contracting Party which deposits an instrument of acceptance after the date on which two thirds of the Contracting Parties have deposited an instrument of acceptance, the amendment shall enter into force on the first day of the fourth month following the date of the deposit of its instrument of acceptance.

Article 11

1. This Convention shall continue in force for an indefinite period.

2. Any Contracting Party may denounce this Convention after a period of five years from the date on which it entered into force for that party by giving written notice thereof to the Depositary. Denunciation shall take effect four months after the day on which notice thereof is received by the Depositary.

Article 12

1. The Depositary shall inform all States that have signed and acceded to this Convention as soon as possible of:
signatures to the Convention;

- a) deposits of instruments of ratification of this Convention;
- b) deposits of instruments of accession to this Convention;
- c) the date of entry into force of this Convention;
- d) notifications of denunciation of this Convention.

2. When this Convention has entered into force, the Depositary shall have it registered with the Secretariat of the United Nations in accordance with Article 102 of the Charter.

IN WITNESS WHEREOF, the undersigned, being duly authorized to that effect, have signed this Convention.

DONE at Ramsar this 2nd day of February 1971, in a single original in the English, French, German and Russian languages, all texts being equally authentic* which shall be deposited with the Depositary which shall send true copies thereof to all Contracting Parties.

* Pursuant to the Final Act of the Conference to conclude the Protocol, the Depositary provided the second Conference of the Contracting Parties with official versions of the Convention in the Arabic, Chinese and Spanish languages, prepared in consultation with interested Governments and with the assistance of the Bureau.

Annex 15

Declaration of the United Nations Conference on Human Environment

16 June 1972

Declaration of the United Nations Conference on the Human Environment

The United Nations Conference on the Human Environment, having met at Stockholm from 5 to 16 June 1972, having considered the need for a common outlook and for common principles to inspire and guide the peoples of the world in the preservation and enhancement of the human environment,

Proclaims that:

1. Man is both creature and moulder of his environment, which gives him physical sustenance and affords him the opportunity for intellectual, moral, social and spiritual growth. In the long and tortuous evolution of the human race on this planet a stage has been reached when, through the rapid acceleration of science and technology, man has acquired the power to transform his environment in countless ways and on an unprecedented scale. Both aspects of man's environment, the natural and the man-made, are essential to his well-being and to the enjoyment of basic human rights the right to life itself.

2. The protection and improvement of the human environment is a major issue which affects the well-being of peoples and economic development throughout the world; it is the urgent desire of the peoples of the whole world and the duty of all Governments.

3. Man has constantly to sum up experience and go on discovering, inventing, creating and advancing. In our time, man's capability to transform his surroundings, if used wisely, can bring to all peoples the benefits of development and the opportunity to enhance the quality of life. Wrongly or heedlessly applied, the same power can do incalculable harm to human beings and the human environment. We see around us growing evidence of man-made harm in many regions of the earth: dangerous levels of pollution in water, air, earth and living beings; major and undesirable disturbances to the ecological balance of the biosphere; destruction and depletion of irreplaceable resources; and gross deficiencies, harmful to the physical, mental and social health of man, in the man-made environment, particularly in the living and working environment.

4. In the developing countries most of the environmental problems are caused by under-development. Millions continue to live far below the minimum levels required for a decent human existence, deprived of adequate food and clothing, shelter and education, health and sanitation. Therefore, the developing countries must direct their efforts to development, bearing in mind their priorities and the need to safeguard and improve the environment. For the same purpose, the industrialized countries should make efforts to reduce the gap themselves and the developing countries. In the industrialized countries, environmental problems are generally related to industrialization and technological development.

5. The natural growth of population continuously presents problems for the preservation of the environment, and adequate policies and measures should be adopted, as appropriate, to face these problems. Of all things in the world, people are the most precious. It is the people that propel social progress, create social wealth, develop science and technology and, through their hard work, continuously transform the human environment. Along with social progress and the advance of production, science and technology, the capability of man to improve the environment increases with each passing day.

6. A point has been reached in history when we must shape our actions throughout the world with a more prudent care for their environmental consequences. Through ignorance or indifference we can do massive and irreversible harm to the earthly environment on which our life and well being depend. Conversely, through fuller knowledge and wiser action, we can achieve for ourselves and our posterity a better life in an environment more in keeping with human needs and hopes. There are broad vistas for the enhancement of environmental quality and the creation of a good life. What is needed is an enthusiastic but calm state of mind and intense but orderly work. For the purpose of attaining freedom in the world of nature, man must use knowledge to build, in collaboration with nature, a better environment. To defend and improve the human environment for present and future generations has become an imperative goal for mankind—a goal to be pursued together with, and in harmony with, the established and fundamental goals of peace and of worldwide economic and social development.

7. To achieve this environmental goal will demand the acceptance of responsibility by citizens and communities and by enterprises and institutions at every level, all sharing equitably in common efforts. Individuals in all walks of life as well as organizations in many fields, by their values and the sum of their actions, will shape the world environment of the future.

Local and national governments will bear the greatest burden for large-scale environmental policy and action within their jurisdictions. International cooperation is also needed in order to raise resources to support the developing countries in carrying out their responsibilities in this field. A growing class of environmental problems, because they are regional or global in extent or because they affect the common international realm, will require extensive cooperation among nations and action by international organizations in the common interest.

The Conference calls upon Governments and peoples to exert common efforts for the preservation and improvement of the human environment, for the benefit of all the people and for their posterity.

Principles

States the common conviction that:

Principle 1

Man has the fundamental right to freedom, equality and adequate conditions of life, in an environment of a quality that permits a life of dignity and well-being, and he bears a solemn responsibility to protect and improve the environment for present and future generations. In this respect, policies promoting or perpetuating apartheid, racial segregation, discrimination, colonial and other forms of oppression and foreign domination stand condemned and must be eliminated.

Principle 2

The natural resources of the earth, including the air, water, land, flora and fauna and especially representative samples of natural ecosystems, must be safeguarded for the benefit of present and future generations through careful planning or management, as appropriate.

Principle 3

The capacity of the earth to produce vital renewable resources must be maintained and, wherever practicable, restored or improved.

Principle 4

Man has a special responsibility to safeguard and wisely manage the heritage of wildlife and its habitat, which are now gravely imperilled by a combination of adverse factors. Nature conservation, including wildlife, must therefore receive importance in planning for economic development.

Principle 5

The non-renewable resources of the earth must be employed in such a way as to guard against the danger of their future exhaustion and to ensure that benefits from such employment are shared by all mankind.

Principle 6

The discharge of toxic substances or of other substances and the release of heat, in such quantities or concentrations as to exceed the capacity of the environment to render them harmless, must be halted in order to ensure that serious or irreversible damage is not inflicted upon ecosystems. The just struggle of the peoples of all countries against pollution should be supported.

Principle 7

States shall take all possible steps to prevent pollution of the seas by substances that are liable to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

Principle 8

Economic and social development is essential for ensuring a favorable living and working environment for man and for creating conditions on earth that are necessary for the improvement of the quality of life.

Principle 9

Environmental deficiencies generated by the conditions of under-development and natural disasters pose grave problems and can best be remedied by accelerated development through the transfer of substantial quantities of financial and technological assistance as a supplement to the domestic effort of the developing countries and such timely assistance as may be required.

Principle 10

For the developing countries, stability of prices and adequate earnings for primary commodities and raw materials are essential to environmental management, since economic factors as well as ecological processes must be taken into account.

Principle 11

The environmental policies of all States should enhance and not adversely affect the present or future development potential of developing countries, nor should they hamper the attainment

of better living conditions for all, and appropriate steps should be taken by States and international organizations with a view to reaching agreement on meeting the possible national and international economic consequences resulting from the application of environmental measures.

Principle 12

Resources should be made available to preserve and improve the environment, taking into account the circumstances and particular requirements of developing countries and any costs which may emanate- from their incorporating environmental safeguards into their development planning and the need for making available to them, upon their request, additional international technical and financial assistance for this purpose.

Principle 13

In order to achieve a more rational management of resources and thus to improve the environment, States should adopt an integrated and coordinated approach to their development planning so as to ensure that development is compatible with the need to protect and improve environment for the benefit of their population.

Principle 14

Rational planning constitutes an essential tool for reconciling any conflict between the needs of development and the need to protect and improve the environment.

Principle 15

Planning must be applied to human settlements and urbanization with a view to avoiding adverse effects on the environment and obtaining maximum social, economic and environmental benefits for all. In this respect projects which are designed for colonialist and racist domination must be abandoned.

Principle 16

Demographic policies which are without prejudice to basic human rights and which are deemed appropriate by Governments concerned should be applied in those regions where the rate of population growth or excessive population concentrations are likely to have adverse effects on the environment of the human environment and impede development.

Principle 17

Appropriate national institutions must be entrusted with the task of planning, managing or controlling the environmental resources of States with a view to enhancing environmental quality.

Principle 18

Science and technology, as part of their contribution to economic and social development, must be applied to the identification, avoidance and control of environmental risks and the solution of environmental problems and for the common good of mankind.

Principle 19

Education in environmental matters, for the younger generation as well as adults, giving due consideration to the underprivileged, is essential in order to broaden the basis for an enlightened opinion and responsible conduct by individuals, enterprises and communities in protecting and improving the environment in its full human dimension. It is also essential that mass media of communications avoid contributing to the deterioration of the environment, but, on the contrary, disseminate information of an educational nature on the need to protect and improve the environment in order to enable man to develop in every respect.

Principle 20

Scientific research and development in the context of environmental problems, both national and multinational, must be promoted in all countries, especially the developing countries. In this connection, the free flow of up-to-date scientific information and transfer of experience must be supported and assisted, to facilitate the solution of environmental problems; environmental technologies should be made available to developing countries on terms which would encourage their wide dissemination without constituting an economic burden on the developing countries.

Principle 21

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction.

Principle 22

States shall cooperate to develop further the international law regarding liability and compensation for the victims of pollution and other environmental damage caused by activities within the jurisdiction or control of such States to areas beyond their jurisdiction.

Principle 23

Without prejudice to such criteria as may be agreed upon by the international community, or to standards which will have to be determined nationally, it will be essential in all cases to consider the systems of values prevailing in each country, and the extent of the applicability of standards which are valid for the most advanced countries but which may be inappropriate and of unwarranted social cost for the developing countries.

Principle 24

International matters concerning the protection and improvement of the environment should be handled in a

cooperative spirit by all countries, big and small, on an equal footing.

Cooperation through multilateral or bilateral arrangements or other appropriate means is essential to effectively control, prevent, reduce and eliminate adverse environmental effects resulting from activities conducted in all spheres, in such a way that due account is taken of the sovereignty and interests of all States.

Principle 25

States shall ensure that international organizations play a coordinated, efficient and dynamic role for the protection and improvement of the environment.

Principle 26

Man and his environment must be spared the effects of nuclear weapons and all other means of mass destruction. States must strive to reach prompt agreement, in the relevant international organs, on the elimination and complete destruction of such weapons.

21st plenary meeting

16 June 1972

Chapter 11



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Annex 16

Costa Rican Ratification of the Convention on Wetlands of International
Importance especially as Waterfowl Habitat

Law No. 7224,

9 April 1991

[http://www.asamblea.go.cr/Centro de Informacion/Consultas SIL/Pginas/Detalle%20Leyes.aspx?Numero Ley=7224](http://www.asamblea.go.cr/Centro_de_Informacion/Consultas_SIL/Pginas/Detalle%20Leyes.aspx?Numero_Ley=7224)

7224

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA

DECREES:

**THE APPROVAL OF THE CONVENTION ON WETLANDS OF
INTERNATIONAL IMPORTANCE ESPECIALLY AS WATERFOWL
HABITAT “THE RAMSAR CONVENTION”**

(2 FEBRUARY 1971)

ARTICLE 1.-Approval is hereby granted by the Government of Costa Rica of the Convention on Wetlands of International Importance Especially as Waterfowl Habitat, signed in Ramsar on 2 February 1971.

(Text of the Convention)

...**ARTICLE 2.-** In force as of the date of its publication.

INFORM THE EXECUTIVE BRANCH

LEGISLATIVE ASSEMBLY.- San Jose, 2 April 1991.

Juan José Trejos Fonseca

PRESIDENT

Ovidio Pacheco Salazar

FIRST SECRETARY

Victor E. Rojas Hidalgo

SECOND SECRETARY

gmv.-

President of the Republic.- San Jose, 9 April 1991.

To be executed and published

R. A. CALDERON F.

Bernd Niehaus Quesada

MINISTER OF FOREIGN AFFAIRS

Sanction: 09-04-1991

Publication: 08-05-1991 Gaceta: 86

Annex 17

Costa Rican Ratification of the Convention for the Conservation of the
Biodiversity and Protection of the Main Wild Life Sites in Central America

Law No. 7433,

14 September 1994

CONVENTION ON THE CONSERVATION OF BIODIVERSITY AND
PROTECTION OF PRIORITY WILDLIFE AREAS IN CENTRAL AMERICA

No. 7433

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA

DECREES:

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

Article 1. –The approval of the Convention on the Conservation of Biodiversity and Protection of Priority Wildlife Areas in Central America, signed in Managua, Nicaragua, on 5 June 1992, the text of which reads as follows:

“CONVENTION ON THE CONSERVATION OF BIODIVERSITY AND
PROTECTION OF PRIORITY WILDLIFE AREAS IN CENTRAL AMERICA

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

PREAMBLE

CONSCIOUS of the need to establish regional mechanisms of economic integration, and of cooperation for the rational use of the isthmus' environment, in view of the close interdependency that exists between our countries;

EAGER to protect and conserve the natural regions of aesthetic interest, historical value and scientific importance, which represent unique ecosystems of regional and world importance, and that they may have the potential to provide sustainable development for our societies;

CONFIRMING that the conservation of biodiversity is a matter that concerns all peoples and all nations;

TAKING NOTE that biological diversity is been severely reduced and that some species and ecosystems are endangered;

EMPHASIZING that the conservation of natural habitats and maintaining populations of species of flora and fauna should be undertaken both in situ and ex situ;

CONSCIOUS of the existing relation between conservation and sustainable development, and reasserting its decision to employ firm action in order to deal with the preservation, recovery, restoration and rational use of our ecosystems, including endangered flora and fauna;

CERTAIN that, in order to improve the quality of life of the isthmus' populations it is necessary to encourage respect for nature and the law, and promote the consolidation of peace, and the sustainable use and recovery of natural resources;

HIGHLIGHTING that, in order to ensure sustainable development, the designation, administration and strengthening of Protected Areas play a key role in ensuring that essential ecological processes and rural development are maintained;

RECOGNIZING that the Central American Commission for Environment and Development (CCAD in Spanish) is the ideal entity for formulating strategies and plans of action that put into practice decisions related to caring for the environment;

SUPPORTING the search for financial mechanisms that provide specific backing for all initiatives in the field of conservation of natural resources, including those to which friendly countries contribute adequately;

We have decided to sign this Agreement that is to be entitled: CONVENTION ON THE CONSERVATION OF BIODIVERSITY AND PROTECTION OF PRIORITY WILDLIFE AREAS IN CENTRAL AMERICA

CHAPTER 1 Fundamental Principles

Article 1.-Objective. The objective of this Agreement is to conserve, to the best possible degree, the biological, land, and coastal and marine diversity of the Central American region in order to benefit the present and future generations.

Article 2.-The signatories to this Agreement confirm their sovereign right to conserve and exploit their own biological resources in accordance with their own policies and regulations bearing in mind:

- a) The sustainable conservation and use of their biological resources, with a social purpose; and

- b) The assurance that the activities within their jurisdiction or control do not cause any damage to the biological diversity of their Nations or areas within their national jurisdiction.

Article 3.-The conservation of biodiversity in border habitats or waters requires the will of all, as well as external, regional and global cooperation in addition to the efforts developed by the nations, which is why the international community is invited to participate, both technically and financially, in our efforts.

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

Article 5.-The value of the contribution of biological resources and the preservation of biological diversity to economic and social development should be acknowledged and reflected in the economic and financial arrangements between the countries of the region, and between these and others who cooperate in their conservation and exploitation.

Article 6.-Knowledge related to biological diversity and the efficient management of protected areas should be promoted in the region. The benefit of research, and development resulting from Biomaterials, or that resulting from managing protected areas, should be made available to society at large.

Article 7.-The knowledge, practices, and technological innovations developed by groups native to the region, that contribute to the sustainable use of biological resources and their conservation, should be acknowledged and reclaimed.

Article 8.-There will be open access to genetic material, substances, products derived from them, related technology, and their conservation, under the jurisdiction and control of the nations, within mutual agreements made with recognized organizations.

Article 9.-Definitions. For the purpose of this regional Agreement, the most important terms will be used with the following meanings:

Protected Area: A defined geographical area of land or coast or a marine area, which is designated, regulated and managed with a view to reaching specific conservation goals, that is, to produce a series of specific goods and services (in-situ conservation).

Biodiversity or Biological diversity: All species of flora, fauna or other live organisms, their genetic variability, and the ecological complexes of which they are part.

Conservation: Preservation, protection, restoration, and sustainable use of the elements of biodiversity.

Ex-situ conservation: The conservation of components of biological diversity (genetic material or organisms), outside their natural environment.

Ecosystem: Complex of communities of plants, animals and microorganisms and their environment interacting as an ecological unit.

Endangered species: Species that is threatened or under threat of extinction, which will not survive if the causal factors continue to operate.

Genetic material: Any material from plants, animals or microorganisms or other origin that contains functional units of hereditary information.

Habitat: Place or site where an organism or population is normally found.

CHAPTER II General Obligations

Article 10.-Each member state of this regional framework makes a commitment, in accordance with its capacities, national programmes and priorities, to take the necessary measures to ensure the conservation of biodiversity, and its sustainable use, as well as the development of its components within its national jurisdiction, and to cooperate, as much as possible, in border and regional actions.

Article 11.-The member States will take the necessary measures to incorporate into their respective policies and development plans, the guidelines for, and the socioeconomic value of, the conservation of biological resources.

Article 12.-The institutions of the countries in the Central American region will cooperate, as appropriate, with regional and international institutions in order to mutually support each other in the fulfilment of the obligations they have assumed in this Agreement, including those related to aspects dealing with biotechnology, health and food security.

Article 13.-In order to fully comply with this Agreement they should:

- a) Cooperate with the Central American Commission for Environment and Development (CCAD), for the development of measures, procedures, technologies, practices and standards for the regional implementation of this Agreement.
- b) Implement economic and legal measures favouring the sustainable use and development of the components of biological diversity.

- c) Ensure that steps are taken to contribute to the conservation of natural habitats and their populations of natural species.
- d) Provide, either on an individual basis or in cooperation with other States and international organizations, new and additional funds for supporting the implementation of programmes and activities –both national and regional – related to the conservation of biodiversity.
- e) Promote and support scientific research within national universities and centres of regional research, in conjunction with international organizations that show interest in this respect.
- f) Promote public awareness in each Nation of the need for the conservation, sustainable use, and development of the region’s biological wealth.
- g) Facilitate the exchange of information between national institutions, and between the countries of the Central American region, and other international organizations.

CHAPTER III Implementation Measures

Article 14.-Each country in the region should develop their own conservation and development strategies, giving priority in these to the conservation of biodiversity and creating and managing protected areas.

Article 15.-The conservation and sustainable use of biological resources in the relevant policies and programmes of other sectors should be integrated as quickly and as appropriately as possible.

Article 16.-Each country in the Central American region will be encouraged to draw up a national law for conservation and the sustainable use of the components of biodiversity.

Article 17.-National parks, natural and cultural monuments, wildlife refuges, and other protected areas should be identified, selected, created, managed and strengthened, as soon as possible, by the institutions responsible in the respective countries, as instruments for ensuring the conservation of representative examples of the main ecosystems in the isthmus, especially those that contain water-producing forests.

Article 18.-Within this Agreement, priority will be given to developing and strengthening protected border areas in the following land and coastal regions, known as:

- Maya Biosphere Reserve.
- Trifinio Fraternidad Biosphere Reserve.
- Gulf of Honduras.
- Gulf of Fonseca.
- Coco River or Solidarity Reserve. – Miskitos Cays.
- International System of Protected Areas for Peace (SI-A-PAZ).
- Salinas Bay Reserve.
- La Amistad Biosphere Reserve. – Sixaola Reserve.
- Darien region.

Article 19.-National strategies should be developed for implementing the plans for Protected Wildlife Area Systems, given that they ensure the basic economic functions for local, regional and global development, as well as for strengthening the presence of institutions in the abovementioned areas, for which national and international funding will be negotiated for their effective implementation.

Article 20.-The Central American Commission for Environment and Development (CCAD) will be responsible for taking the initiative to update and promote the appropriate implementation of the “1989-2000 Plan of Action” for creating and strengthening the Central American Protected Areas System (SICAP in Spanish), as well as the conservation actions of the “Tropical Forestry Action Plan for Central America”, for which it should strengthen its ties with the International Union for Conservation of Nature (IUCN), as well as with other regional institutions, in coordination with the national institutions and governments of the isthmus.

Article 21.-In association with the Central American Commission for Environment and Development (CCAD), the *Central American Council for Protected Areas*, with personnel and institutions related to the World Commission on *Protected Areas*, *CNPPA*, should be created, and funded by the Regional Environment and Development Fund, as the institution in charge of coordinating regional efforts to standardize policies linked to the development of the Regional Protected Areas System as an effective Mesoamerican biological corridor.

Article 22.-Using all possible means, development practices that are environmentally compatible should be promoted in the areas surrounding

protected areas, not only to support the conservation of biological resources but also to contribute to sustainable rural development.

Article 23.-Environmental rehabilitation and restoration will be promoted, with respect to both land and species, through the implementation of plans and other management strategies.

Article 24.-Mechanisms should be established for controlling and eradicating all exotic species that threaten ecosystems, habitats and wildlife species.

Article 25.-Greater efforts should be developed in order that each of the region's nations may, as soon as possible, ratify the international conventions on the *International Trade in Endangered Species of Wild Fauna and Flora* (CITES), the *Convention on Wetlands of International Importance, especially as Waterfowl Habitat* (RAMSAR), and the *UNESCO Convention on the Protection of Natural and Cultural Heritage*, providing all necessary requirements to comply with these on an internal level.

Article 26.-The mechanisms that will allow for strengthening the control and eradication of illegal trafficking of Wild Fauna and Flora between the countries in the region, as well as that of Waste and Toxic Substances, are to be studied, developed and unified in coordination with the Central American Commission for Environment and Development (CCAD).

Article 27.-Each country in the region is to make the most appropriate efforts to complete in-situ conservation actions by:

- a) Establishing and strengthening facilities for the ex-situ conservation of plants, animals and microorganisms, such as Botanical Gardens, Germplasm Banks, Nurseries, Breeding Facilities, and experimental Farms.
- b) Regulate and control the collection of biological resources from natural habitats for ex-situ purposes, in order to not affect the in-situ conservation of these.
- c) Regulate with their own legislation the national commercialization of biological resources.

Article 28.-Support actions for promoting ecotourism in the region, as a mechanism for attaching value to the economic potential of Protected Areas; ensure part of its funding, and contribute to improving the quality of life of the populations adjacent to these regions. To this end, migration and infrastructure facilities should be provided in order to favour ecotourism in border areas.

Article 29.-Appropriate procedures should be implemented in each of the countries of the region, in order to assess the environmental impact of proposed

development policies, programmes, projects and actions with a view to minimizing it.

Article 30.-Support initiatives for the socio-environmental management and environmental impact studies of processes of colonization, repatriation and settlement of displaced persons in regions affected by these processes. Furthermore, ecological restoration projects should be developed in areas affected by armed conflicts.

Article 31.-The development and dissemination of new technologies for conservation and the sustainable use of biological resources, as well as the correct use of land and watersheds should be promoted and encouraged with a view to creating and consolidating options for sustainable agriculture and regional food security.

Article 32.-Request preferential and concessionary treatment from the international community for favouring access to and the transfer of technology between developed and Central American countries, in addition to facilitating these among the countries of the region.

Article 33.-The exchange of information, based on reciprocity, should be promoted regarding actions that could be undertaken in territories under their jurisdiction that are potentially harmful to biological resources, in order that the affected countries may assess the most appropriate bilateral or regional measures.

Article 34.-The need to highlight the importance of having adequately qualified human resources for increasing the quality and quantity of actions for restoring the ecological balance of the region is considered a matter of urgency, as is that of inviting and supporting national, regional and foreign scientific-technological institutions and universities to increase their efforts in the study and assessment of biodiversity, as well as updating information on endangered species in each of the countries in the region.

Article 35.-The importance of civilian participation in actions regarding biodiversity conservation is recognized and, therefore, the production of educational material for the media is promoted, in addition to its inclusion in existing public and private education programmes.

Article 36.-The mandate of the Central American Commission for Environment and Development (CCAD) includes requesting the support of international organizations or governments of friendly countries for developing updated lists on endangered protected areas, species and habitats, institutions linked to the conservation of biodiversity and priority projects in this field.

Article 37.-All that mentioned in this Agreement should not affect the rights and obligations of Central American nations resulting from prior international agreements related to the conservation of biological resources and protected areas.

Article 38.-The national institutions that make up the Central American Commission for Environment and Development (CCAD) are considered responsible for overseeing the implementation of this Agreement, and of providing annual progress reports to the Central American Presidential Summit.

CHAPTER IV General Provisions

Article 39.-Ratification. This Agreement will be subjected to ratification by the Member States, in accordance with the internal regulations of each country.

Article 40.-Accession. This Agreement is open to the accession of the States of the Mesoamerican region.

Article 41.-Deposit. The instruments of ratification or of accession and accusations regarding this Agreement and its amendments are to be deposited at the Ministry of Foreign Affairs of the Republic of Guatemala, which will send a certified copy of these to the Foreign Ministries of the other Member States.

Article 42.-Enforcement. For the first three depositor States this Agreement will come into force eight days after the date on which the third instrument of ratification is deposited, and for the remaining signatories or subscribing members, on the date their respective instruments are deposited.

Article 43.-Registration. Once this Agreement and its amendments come into force the Ministry of Foreign Affairs of Guatemala will proceed to send a certified copy of these to the Secretary General of the United Nations for the purposes of registration as stipulated in article 102 of this Organization's Charter.

Article 44.-Term. The duration of this Agreement will be ten years from the date it comes into effect and it will be renewed for consecutive periods of ten years.

Article 45.- Denunciation. This Agreement may be denounced after it has been deposited, and the Agreement shall remain in force for the remaining States as long as at least three of these remain bound to it.

Issued on the World Environment Day, on the fifth of June 1992, during the Twelfth Central American Presidential Summit in Managua, Republic of Nicaragua.

The following parties sign: Rafael Angel Calderon, President of the Republic of Costa Rica, Alfredo Cristiani Burkard, President of the Republic of El Salvador, Jorge A. Serrano Elias, President of the Republic of Guatemala, Rafael L. Callejas

Romero, President of the Republic of Honduras, Violeta Barrios de Chamorro, President of the Republic of Nicaragua, Guillermo Endara Galimany, President of the Republic of Panama.

Article 2.-Valid as of the date of its publication.

It is ordered that notice be given to the Executive.

Legislative Assembly.-San Jose, seventh of September nineteen ninety four.

DIRECTORS OF THE LEGISLATIVE ASSEMBLY Alberto F. Cañas, President-Juan Luis Jiménez Succar, First Secretary, Oscar Ureña Ureña, First Prosecretary.

Issued at the Office of the President of the Republic.-San Jose, on the fourteenth of September nineteen ninety four.

Be it known and enforced.

JOSE MARIA FIGUERES OLSEN.-Minister of Foreign Affairs, Fernando Naranjo Villalobos, and Minister of Natural Resources, Energy and Mines, Rene Castro Salazar.—Once.-C-250. (42646)

Annex 18

Nicaraguan Ratification of Convention on Wetlands of International Importance
especially as Waterfowl Habitat

Decree No.21-96, 24 September 1996, published on the official Gazette No.206,
31 October 1996

[http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/D612ECCF72EC3812062570F50062D7D9?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/D612ECCF72EC3812062570F50062D7D9?OpenDocument)

Legal Regulations of Nicaragua

Subject: **International**
Category: **Executive Decree**

ACCESSION TO THE RAMSAR CONVENTION

DECREE No. 21-96, Approved on 24 September 1996

Published in *La Gaceta* No. 206 on 31 October 1996

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA,

CONSIDERING

I

That on 2 February 1971, the "**CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE**"; known as the **RAMSAR Convention**, amended in accordance with the Paris Protocol of 3 December 1982, was signed in the city of Ramsar, Iran.

II

That accession to this Convention allows the marshes and wetlands known as "**LOS GUATUZOS**" to be included as a wetland of international importance and that this will contribute to facilitating technical and financial aid for its protection and conservation.

THEREFORE

Pursuant to the authority vested in it by the political Constitution

HAS ISSUED

The Following Decree :

**ACCESSION TO THE CONVENTION REGARDING
WETLANDS OF INTERNATIONAL IMPORTANCE**

Article 1.- To adhere to the Convention Regarding Wetlands of International Importance, signed in Ramsar, Iran, on 2 February 1971.

Article 2.- Issue the corresponding Instrument of Accession to be deposited following approval of this Accession by the National Assembly.

Article 3.- This Decree shall enter into force as of the date of its publication in the Official Journal *La Gaceta*.

Done in the city of Managua, Presidential House, on 24 September 1996.

VIOLETA BARRIOS DE CHAMORRO. –President of the Republic of Nicaragua

Asamblea Nacional de la República de Nicaragua

Complejo Legislativo Carlos Núñez Téllez. Avenida Bolívar.

Send your comments to: [División de Información Legislativa](#)

Note: Any difference between the Text of the Law in printed form and that published here should be notified to the following: División de Información Legislativa de la Asamblea Nacional de Nicaragua.

Annex 19

Nicaraguan Ratification on the Convention for the Conservation of the
Biodiversity and Protection of the Main Wild Life Sites in Central America

Decree No.49-95, 29 September 1995, published on the official Gazette No.198,

23 October 1995

[http://legislacion.asamblea.gob.ni/Normaweb.nsf/\(\\$All\)/D612ECCF72EC3812062570F50062D7D9?OpenDocument](http://legislacion.asamblea.gob.ni/Normaweb.nsf/($All)/D612ECCF72EC3812062570F50062D7D9?OpenDocument)

Legal Regulations of Nicaragua

Subject: International

Category: Executive Decree

ACCESSION TO THE RAMSAR CONVENTION DECREE No. 21-96, Approved on 24 September 1996

Published in *La Gaceta* No. 206 on 31 October 1996

THE PRESIDENT OF THE REPUBLIC OF NICARAGUA, CONSIDERING

I

That on 2 February 1971, the "**CONVENTION ON WETLANDS OF INTERNATIONAL IMPORTANCE**"; known as the **RAMSAR Convention**, amended in accordance with the Paris Protocol of 3 December 1982, was signed in the city of Ramsar, Iran.

II

That accession to this Convention allows the marshes and wetlands known as "**LOS GUATUZOS**" to be included as a wetland of international importance and that this will contribute to facilitating technical and financial aid for its protection and conservation.

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VIOLETA BARRIOS DE CHAMORRO. –President of the Republic of Nicaragua

Asamblea Nacional de la República de Nicaragua

Complejo Legislativo Carlos Núñez Téllez. Avenida Bolívar.

Send your comments to: [División de Información Legislativa](#)

Note: Any difference between the Text of the Law in printed form and that published here should be notified to the following: División de Información Legislativa de la Asamblea Nacional de Nicaragua.

Annex 20

Certificate of Incorporation issued by President of the Permanent Council of the Ramsar Convention and its official notification to the Costa Rican Government

Gland, Switzerland,

6 August 1996

CONVENTION ON WETLANDS**(RAMSAR, 1971)****MOC/mw/Costa Rica**

Notification

Inclusion of “Northeast Caribbean Wetland” on the Ramsar Convention’s List of
Wetlands of International Importance

The Office of the Convention on Wetlands (Ramsar, Iran, 1971) presents its compliments to the Embassy of the Republic of Costa Rica, and is pleased to refer to the following:

The Office acknowledges receipt of the Fact Sheet on the “Northeast Caribbean Wetland” sent by the Ministry of the Environment and Energy, dated 15 March 1996, for its inclusion in the List of Wetlands of International Importance.

The Office is pleased to notify the Government of Costa Rica of the inclusion of the “Northeast Caribbean Wetland” in the List of Wetlands of International Importance on 20 March 1996.

The Office is likewise pleased to remit alongside this letter the Certificate that accredits the designation of the “Northeast Caribbean Wetland” as a Ramsar site.

We also wish to congratulate the Government of Costa Rica for the noteworthy efforts it has made for this wetland to be included in the List of Wetlands of International Importance, thereby demonstrating its commitment and willingness to work toward its conservation and rational use.

The Office of the Convention on Wetlands avails itself of this opportunity to extend to the Embassy of the Republic of Costa Rica the assurances of its highest consideration.

Gland, 6 August 1996

*Embassy of the Republic
of Costa Rica
Thunstrasse 150E
3074 Muri bei Bern
Convention on Wetlands of
International Importance
Att. as indicated above*

*Convention on Wetlands of International Importance Especially as Waterfowl
Habitat*

CERTIFICATE

This certificate declares that the

Northeast Caribbean Wetland

has been included in the List of Wetlands

of International Importance on

20 March 1996

Date

Louise Labos

Signature

President of the Standing Committee

06/12/96 11:46 SINAC +41 22 999 0169

01

MINISTRY OF THE ENVIRONMENT AND ENERGY
NATIONAL SYSTEM OF CONSERVATION AREAS
DIRECTORATE GENERAL

TELEPHONE: 283-8004

FAX: 283-7118

RAMSAR
RECEIVED:
20 MARCH 1996

15 March 1996
SINAC-458
Mr. Delmar Blasco
Secretary General
International Convention on Wetlands (RAMSAR)

Dear Sir:

I am pleased to enclose the Information Sheet of the Tortuguero Flatlands Wetland with the intention that this area be included in the RAMSAR Convention's list of Wetlands of International Importance.

Yours sincerely,

RAUL SOLORZANO SOTO
RAMSAR ADMINISTRATIVE AUTHORITY

MINISTRY OF THE ENVIRONMENT AND ENERGY
DIRECTOR
National System of Conservation Areas

G. FLORES

C: Marco A. Solano, Follow-Up and Control Manager
Archive

RAMSAR
RECEIVED:
20 MARCH 1996

Northeast Caribbean Wetland

Costa Rica

Information Sheet

MINAE PACTo

European Union

RAMSAR
RECEIVED:
20 MARCH 1996

INFORMATION SHEET

1. **Country:** Costa Rica
2. **Date:** 05 February 1996
3. **Ref:**
4. **Name and address of the compilers.**

Guillermo Oro Marcos
PACTo (MIRENEM-European Union)
P.O. Box 480, Heredia, Costa Rica (home)
P.O. Box 388, Guapiles, Limon, Costa Rica
Telephone: (506) 260-3868 (home)
Telephone: (506) 710-2929, 710-2939
(506) 260-3868
Fax: (506) 710-7673 (home)
E-mail: contheACTo@sol.racsa.co.cr

5. **Name of Wetland:**

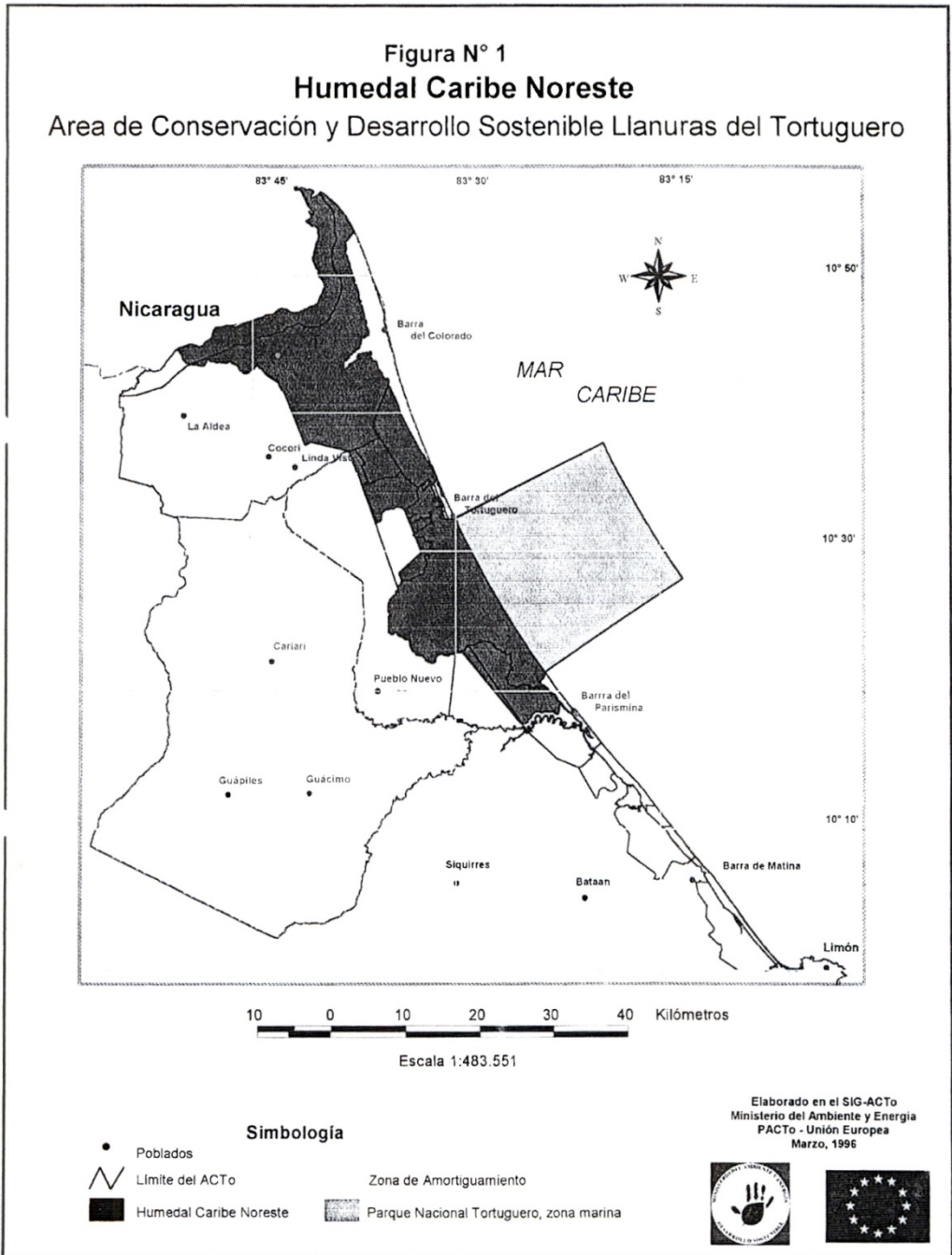
Northeast Caribbean Wetland (*Humedal Caribe Noreste* (HCN) in Spanish)

6. **Date of inclusion in the RAMSAR List**
7. **Geographical Coordinates:**

The proposed area (Fig. 1, Core Area) has the following limits:

It begins at 315.820N 553.555W located on the south bank of the San Juan River, continuing southeast to 301.437N 554.390W located at the source of a river with no name, following the course of this river toward the west until reaching the east bank of the Colorado River at 300.732N 564.419W from where it continues southwest along the south east bank of the Colorado River to 296.991N 567.862W. It continues southwest to 289.708N 570.806W and from there northwest to 290.157N 571.603W. From this point it continues southwest to 288.900N 576.642W where it intersects with the course of the Caño Moreno and continues southwest to the south bank of the Palacio River at 279N 580.487W. It then continues east northeast along the south bank of the Palacio River to 281.240N 584.170W from where it continues southwest to 275.553N

Figure N°1



Prepared at the SIG-ACTo
Ministry of the Environment and Energy
PACTo – European Union
March, 1996

586.516W. It follows its course southeast to 272.853N 583.420W and southwest again to 271.707N 583.897W at the north bank of the Tortuguero River. It then continues southeast along the east bank of the Aguas Frias River to 266.980N 582.000W. It continues southwest to 253.038N 599.977W, 500 metres from the north bank of the Parismina River. The limit continues along an equidistant line 500 metres from the north bank of the Parismina River to 254.265N 605.112W and continues northwest to 254.791N 605.236W on the west bank of Caño Soto. From here it continues along that bank of the aforementioned caño to 255.719N 605.556W on the west bank of the Parismina Estuary, which forms part of the Tortuguero canals, and continues toward the northeast along this bank to 258.523N 602.338W 200 metres from Jalova Lagoon, where it branches northwest along an equidistant line 200 metres from the south bank of the Jalova Lagoon, coinciding with the limits of the Tortuguero National Park (PNT in Spanish) until reaching the Caribbean coast at 259.709N 603.338W. From that point it heads toward the coast northeast to 280.129N 590.969W. From here it continues east to 280.074N 590.594W on the west bank of the Tortuguero canals and from there to 279.989N 590.010W on the east bank of the canals. It continues this approximate course until reaching 280.000N 589.655W located 200 metres from the east bank of this Caño until 284.899N 587.486W. From there it heads west to 284.899N 587.794W on the west bank of the Caño Penitencia from where it continues to 284.960N 588.766W in the Tortuguero River estuary. It continues along the coast to 286.289N 587.486W.

From here it heads west to 284.899N 587.794W on the west bank of the Caño Penitencia from where it continues to 284.960N 588.766W in the Tortuguero River estuary. It continues along the coast to 286.289N 588.151W and heads northeast to 286.292N 588.152W 200 metres from the west bank of the Caño La Palma. It continues along an equidistant line 200 metres from the west bank of the Caño La Palma until a point where it meets the artificial canal at 297.700N 582.011W continuing along its southwest bank to its estuary in the Samay Lagoon at 298.800N 582.300W. It continues along the north and east bank of the Samay Lagoon to 302.295N 579.635W from where it heads toward the east at 302.282N 579.364W on the south bank of the estuary of Caño Yak. It continues along this bank to 302.000N 578.390W and heads due east to 203.000N 578.000W 200 metres from the south bank of the Colorado River. It continues along an equidistant line 200 metres from the bank of the Colorado River to 299.800N 576.000W and heads due north to 300.650N 576.000W located 200 metres north

of the north bank of the Colorado River, continuing along an equidistant line 200 metres from that bank of the river to 304.395N 579.325W located 200 metres from the east bank of the Laguna de Atras from where it continues heading north along an equidistant line 200 metres from the east bank of that lagoon until it reaches an intersection with the Caño Pereira at 315.820N 576.139W, continuing downstream until reaching the bank of the Laguna de Atras. It continues along that bank northwest to 316.089N 576.396W where a caño with no name flows, and continues north along this caño to 316.860N 576.293W heading toward the coast that intersects at 318.387N 577.423W. It continues along the coast northeast up to the international border between Costa Rica and Nicaragua. Finally, it continues along the international border to the point at which this description begins at 315.820N 553.555W.

8. Location:

On the northeast Caribbean coast of Costa Rica, adjacent to Nicaragua, some 80 km north of the city of Limon. Politically it corresponds to the provinces of Limon and Heredia, Cantons of Pococi and Sarapiquí, Districts of Barra del Colorado and Puerto Viejo.

9. Area:

75,309.8 hectares

10. Type of Wetland

According to the classification of Systems for Types of Wetlands, approved by REC. C. 4.7 of the Conference of the Contracting Parties (Montreux, 1990), the HCN has the following types: A, E, F, Y, J, K, L, M, N, O, Tp, Ts, U, W, Xf, Xp, Y, 9.

11. Altitude:

Between sea level and approximately 269 metres above sea level

12. General description:

The Tortuguero Flatlands Conservation and Sustainable Development Area (*Area de Conservación y Desarrollo Sostenible de Llanuras del Tortuguero (ACTo)* in Spanish) measures 396,279 ha. (Fig. 2) and is made up of a series of areas with different management categories.

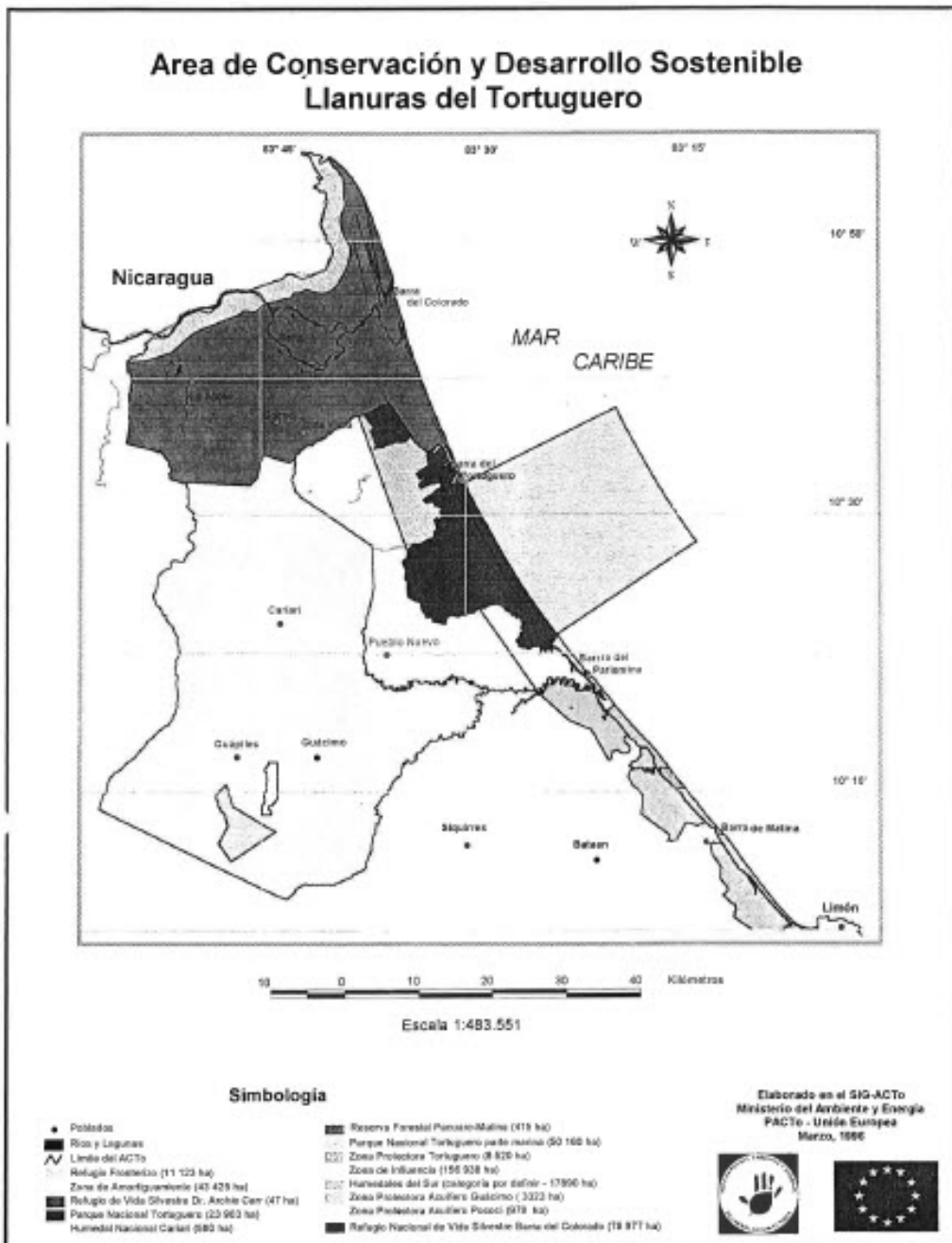
The area proposed as a RAMSAR wetland (75,309.8 hectares) is incorporated in the ACTo, and is what is considered the core area (Fig. 1). This area comes under 3 different categories:

- 1) Incorporated in the Tortuguero National Park (23,903 hectares)
- 2) Inclusion of 40,315.1 hectares of the Barra del Colorado Wildlife Refuge (Mixed reserve type)
- 3) Inclusion of 11,091.7 hectares of the Border Refuge (State Refuge).

Eighty per cent of the proposed area has sandy soils as a result of sedimentation, which in the coastal area form parallel bars, rising only a few metres above the water-table, leaving between them depressions subject to variable flooding. This forms lakes, grass marshes and/or wooded swamps. These systems are maintained due to heavy rainfall and deficient drainage. The average temperature ranges from 24 to 26°C. However, lows of 18°C and a high of 33°C have been recorded. Minimum monthly rainfall is 157 mm, and

Fig. N° 2

Tortuguero Flatlands Conservation and Sustainable Development Area



the total annual rainfall is 6000 mm; there are over 330 days of cloud cover per year, and this area is classified as very humid tropical forest.

The area of Lomas de Sierpe y Coronel was produced by volcanic activity. The base is formed by permeable, light grey, broken lava rocks. Overlying this are harder rocks and grey or dark grey lavas. Volcanic activity formed a group of small islands raised on the ocean floor along the eastern coast indented with traces of former bays. Later, continental erosion filled the depressions, flooding the raised volcanic cones in this area.

There are eleven types of vegetation and vegetation associations (Fig. 3 and Appendix 1):

Major

1. Dry Soil (Halophytic community)
2. Dry Soil (Berm)
3. Permeable or Fertile Soils
4. Very Humid Soil
5. Marshes and Floodable areas
6. Yolillales
7. Very Wet Environments (Lomas de Sierpe)
8. Zonal or Climatic associations (Mesetas de Agua Fría)

Minor

- a) Dry soil (Sandy sections)
- b) Grass Marshes
- c) Herbaceous communities along canals and lakes

13. Physical Features

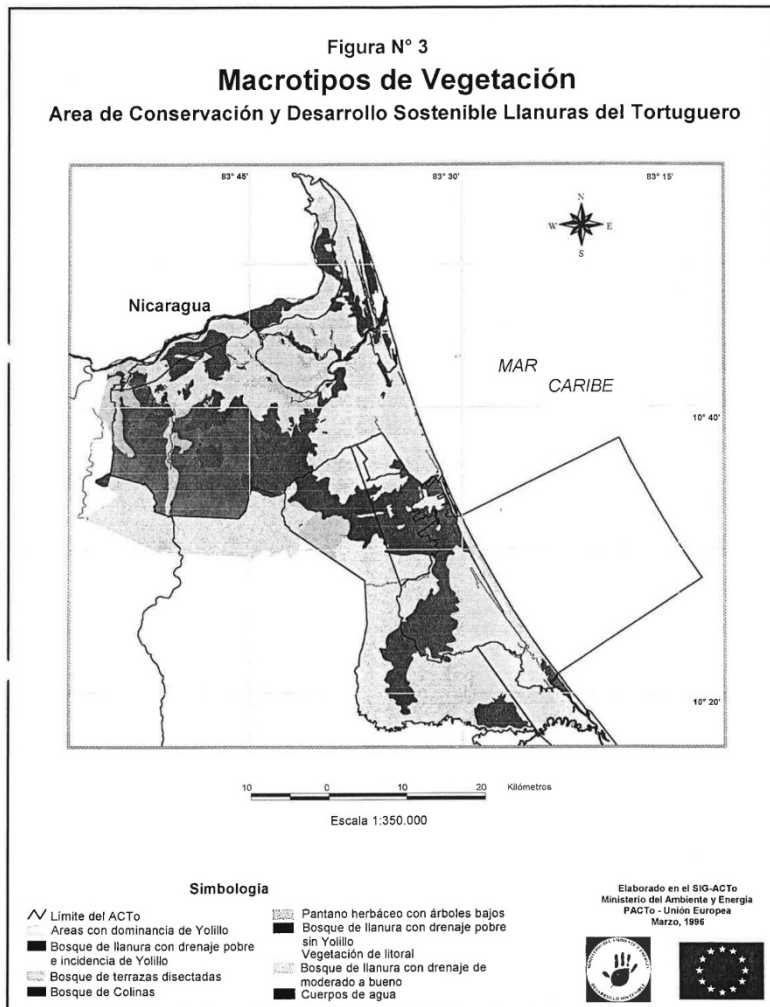
The wetlands in the ACTo have the following characteristics: Tides (less than 40 centimetres) affect the lagoons and marshes next to the marine area. The main vegetation is yolillo (*Raphia taedigera*). According to the work of Winemiller (1991) and Winemiller and Leslie (1992), the Laguna de Tortuguero has an average depth of 7.5 metres and a maximum depth of 13 metres. Salinity ranges between 8.7 and 10.5 parts per thousand (ppm) at a depth of five metres; the salinity of the surface water of the estuarine lagoons can reach 0.02 to 0.1 ppm.

The land within the core area is drained by small streams and rivers that descend from the central mountains in Costa Rica, located 50 to 60 kilometres to the west of this wetland. These rivers and streams are shallower than 3 metres and their salinity never exceeds 0.1 ppm. The streams are filled with floating aquatic plants such as *Eichornia*, *Hydrocotyl*, *Salvinia*, and *Azolla*, among others. During the dry season, these streams are usually completely covered with this type of vegetation.

Figure N°3

Vegetation Macrotypes

Tortuguero Flatlands Conservation and Sustainable Development Area



14. Ecological features:

The Tortuguero Flatlands Conservation and Sustainable Development Area is particularly rich in biological diversity and ecosystems. The types of vegetation that exist in the area are listed in Appendix 1.

This area forms part of the System of Protected Areas for Peace (SI-A-PAZ) and is a corridor between the Tortuguero National Park (Costa Rica) and the Indio Maíz Biological Reserve (Nicaragua). The area was colonized by English-speaking African Americans from the Caribbean islands, primarily San Andres, near Bluefields and the Cayman Islands (Lefever, 1992).

15. Land tenure/ownership:

a) Of the site:

* At least 70 per cent of the area of the site proposed for inclusion in the Wetlands of International Importance is the property of the government of Costa Rica.

b) Of the Surrounding Area:

* In the area of the Barra del Colorado Wildlife Refuge, land is owned by both the government and private parties, giving it the category of Mixed Refuge.

* The area around the Tortuguero National Park is private property, where cattle ranching and agriculture are the main activities. In the towns of Barra del Tortuguero and Barra del Colorado, tourism and fishing are the most important activities.

16. Conservation measures taken:

* The ACTo has a strategy, entitled "Strategy for the Conservation and Sustainable Development of the Tortuguero Flatlands," which was prepared by the Project for the Consolidation of the Tortuguero Flatlands (PACTo). This project was undersigned by the Ministry for the Environment and Energy (MINAE) and the European Union (EU), and the IUCN as executive body (1990-1992).

* With this strategy, PACTo (MINAE-EU) continued the implementation for the conservation of the Tortuguero Flatlands (1993-1996). The projects administered by ACTo are the following:

a) Program for Land Use: Organization of land based on land use capacity, including planning at the level of territories, productive (farms), land of greatest ecological interest, social infrastructure and the socio-cultural opportunities and economic advantage offered by each case and solutions to land tenure problems.

Examples:

- Registration of Land in the government's name
- Registration of Land in the name of small farmers in the towns of Aldea, Cocori, Linda Vista, and Barra del Colorado.

b) Agro-Forestry Programme: contributing to combating deforestation and preventing the deterioration of the socio-economic conditions of the rural population in the ACTo; testing, developing and promoting sustainable agro-forestry and grazing production systems that are diversified and adapt to the ecological and socio-economic limitations and characteristics of the region.

This project also develops and adapts techniques for the full and sustainable use of forestry resources, making them available to small and medium-sized producers for generating income, and for putting a stop to and reversing the current process of deforestation.

Examples:

- Farms in Pueblo Nuevo for the improvement of Pastures and Forestry-Grazing Practices
- Development of tropical gardens in La Aldea
- Soil Conservation in Linda Vista

c) Water Resources Programme: Conservation of water resources, as well as to promote and facilitate making these resources an important means of support for sustainable development in the communities in the ACTo where the main beneficiaries are the local inhabitants.

Examples:

- Monitoring Pesticide Contamination of Surface Water in the Tortuguero National Park.
- Advising fishermen at the Barra del Colorado regarding new fishing techniques.
- Experience in Ranching Schemes, such as Iguana and Butterfly Farms.

d) Social Programme: Strengthen services, content and follow-up of social programmes in the ACTo and of State social services in the region in order to ensure integration into the local communities and optimization of their impact on improving the standard of living of the local inhabitants.

Include the topic of gender into the programmes promoted by the ACTo in order to strengthen the participation of men and women under equal conditions.

Examples:

- Setting up of regional subcommittees in communities.
- Coordination and financial support for the improvement, expansion or reconstruction of the water supply to Pueblo Nuevo, Aldea, Barra Parismina, Tortuguero and Colorado.
- Studies and basic equipment for the management of solid waste at the community level in three towns.

e) Research Programme: Facilitate the development of basic applied scientific social and cultural research, and that of issues related to conservation and sustainable development in the ACTo.

Examples:

- Establish a documentation centre making the region a reference centre for knowledge of the humid tropics of the Caribbean basin.
- Financing four post-graduate theses of the National University's Master's degree in Wildlife Management.
- Monitor Resident and Migratory Bird Populations in Tortuguero.

f) Protection Programme: Protect existing natural and cultural resources within the ACTo through joint responsibility, information and education, and monitoring and implementation of existing regulations and legislation.

Examples:

- Create Committees made up of local inhabitants from the ACTo for Monitoring Natural Resources.
- Establish Protection Plans for the egg-laying period of Green and Loggerhead turtles.
- Protection Plans against illegal logging and hunting.

17. Conservation measures proposed but not yet implemented:

* Drawing up of Regulations for the public use of the Tortuguero National Park, allowing for small-scale fishing in the marine area. The document was prepared in 1995 and has now been submitted for approval to the local communities; its approval is expected in April 1996.

* Inclusion of this wetland in the Ramsar list will lead to greater protection of the Tortuguero Flatlands Conservation and Sustainable Development Area.

* Proposal to manage the *Machrobrachium carcinus* and *M. tenellum* in the area of the Delta, Barra Colorado. This proposal was presented to the Ministry of the Environment and Energy (MINAE) with a view to ensuring that local inhabitants use resources in a sustainable manner. Approval is expected in April 1996.

18. Current uses and/or main human activities:

a) Of the site:

There are no human settlements in the proposed area. However, the following activities are carried out there:

* Both sport and subsistence fishing take place in the lagoons. Subsistence fishing is with hook and line; but in some areas (Barra del Colorado, for example) there is some illegal fishing using fishing techniques not selective, like gill nets.

* Illegal hunting is one of the main problems. It occurs primarily in the area further inland from the proposed area. Hunters usually sell the game but do not live near the area. Most of them are from towns such as Siquirres and Guapiles, and mostly work in the banana industry.

The most affected species are the spotted paca (*Agouti paca*), pecari (*Tayassu pecari*), Baird's tapir (*Tapirus bairdii*), white-tailed deer (*Odocoileus virginianus*) and armadillos (*Dasypus novemcinctus*).

Another frequent activity in this region is the illegal gathering of marine turtle eggs and the hunting of adult turtles. This activity is carried out by local inhabitants close to the proposed area and by fishermen from Limón.

* Tourism related to nature (ecotourism) is concentrated around the Tortuguero National Park. This activity uses the Tortuguero Park, which is part of the area proposed for inclusion as a Ramsar site, as an attraction. In 1994, approximately 30,000 tourists visited the park.

After increasing the park entrance fee to US\$ 15 for foreign tourists the number of visitors dropped (10,000), but not to the ACTo. It is estimated that 45,000 tourists visited the Barra del Colorado Wildlife Refuge (adjacent to the Tortuguero National Park) where the entrance fee is US\$1.50. The number of boats and hotels in the area is increasing.

b) In the surrounding area:

* Agriculture. The main activities in this area are summarized in appendix 2.

2. Cattle ranching in the area is extensive with an average of half a head of cattle per hectare.

* The exploitation of forest resources is carried out by local inhabitants as an emergency to obtain money fast or for domestic uses. ACTo is attempting to deal with this problem by granting A-1 type permits (domestic use) mainly in the Wildlife Refuge area.

The main problems are caused by timber merchants and hotel owners who use the Royal Palm (*Manicaria sp.*) as roofing material for their buildings.

19. Disturbances and Impacts, Including Changes in Land Use and Large-Scale Development Projects

a) Of the Site:

* A road has been built leading into the Tortuguero National Park, and is modifying the drainage in this area. The reporting of this situation is currently being prepared by the MINAE.

b) Of the Surrounding Area:

* Deforestation by timber merchants and private property owners, modification of water courses by Banana companies.

* Municipal roads, timber and banana traders; mainly alter drainage and sedimentation.

* Prospecting exists for the following:

- 1) A hydroelectric dam, in the area of the Reventazon and Pacuare Rivers.
- 2) A new international airport in the town of Barra del Parismina, bordering the Tortuguero National Park.
- 3) A dry canal running from the Pacific to the Caribbean, through the core area.
- 4) Gold prospecting and mining on the Nicaraguan bank of the San Juan River.

* There are gold concessions in the area of San Carlos, which would undoubtedly affect the San Juan River and its inlet, the Colorado River. The Colorado River is the main tributary of the Northeast Caribbean Wetland's lagoons in its northern area.

* The quality of the water that drains the area is contaminated due to agricultural activity, mainly the banana industry (see Appendix 2 and Appendix 3) and human settlements (faecal coliform in the Tortuguero lagoons: over 2400 coliform/100 ml). Fish deaths have also occurred.

20. Hydrological and physical values:

This lake system is, in some areas, influenced by the small tides in the Caribbean Sea. It is also a reproduction site for the main species of fish that form the basis for subsistence fishing along the Caribbean coast of Costa Rica, and is also a feeding, reproduction and breeding area for the American manatee (*Trichechus manatus*).

21. Social and cultural values:

* An English-speaking, Afro-Caribbean culture of inhabitants originally from San Andrés (Colombia), Bluefields (Nicaragua) and Grand Cayman predominates

along the coast. Lefever (1992) and Oro (1992) have documented this culture. However, it is worth noting that this area was settled at the beginning of the twentieth century, and the main activities were logging (1920 to 1956), hunting of the Carey turtle and trading in the skins of large mammals and reptiles.

22. Noteworthy fauna:

* Appendix 4 is the Report of the "Survey of resident and migratory birds in Tortuguero, Costa Rica" (Hernández, 1996). The data in this report confirm that Tortuguero is the main migratory route and entrance to Costa Rica for most of the Neotropical species of migratory birds recorded in Costa Rica (Hernández, 1996). To date, new species have been identified in the region and in the country, such as the violet sabrewing hummingbird (*Campylopterus hemileucurus*), which lives in forests, over 500 metres above sea level, on the Caribbean coast. *Gampsonyx swainsonii* was discovered in 1984 in the ACTo and is a species that is expanding northward. A new species for Costa Rica, *Chondestes grammacus*, was sighted on the beach. Its present distribution is to southern Guatemala and sometimes Honduras and El Salvador (see appendix 4).

The latest information is that in January 1996 the Crested Eagle (*Morphnus guianensis*) was reported in the HCN. This species is the second largest bird of prey in Costa Rica.

* Aquatic wildlife: This area is part of the fishery province of the San Juan and is characterized by the presence of large numbers of cichlids. Fishery resources are divided into two basic groups: 1) a large component of South American species (Cichlidae, Characidae and Pimelodidae) and, 2) a group of species from the marine area (Centropomidae, Lutjanidae, and Carcharinidae, among others). This group includes euryhaline species.

Freshwater species are divided into two groups: the main one is that in which the species have no tolerance for salinity, the most abundant in the ACTo being the Characidae. The second group consists of species with a tolerance for salinity. The most common species in the ACTo are the Poeciliidae and Cichlidae (Winemiller and Leslie, 1992). Studies by Winemiller and Leslie (1992) found that there is greater diversity in the lagoons (80 species) than in the sea near the shore (42 species). This is due to the effect of the edge of the habitat (theory of the effect of mass) (Shimida and Wilson, 1985) by which considerable structural heterogeneities exist in the lagoons in the form of the diversity of aquatic vegetation, fallen trees, mud, detritus and other factors. This is not the case in the coastal area, which is characterized by a regularity of profile (straight) and a sandy bottom.

One species native to HCN is the *Atractosteus tropicus* (Lepisosteidae). This is a living fossil that is protected by Costa Rican legislation.

* Another important group is the molluscs, which have not been studied and documented in depth (Honbrick, 1969; Robinson, 1987) (see Appendix 4).

In 1995, a small clam from the Dreissenidae species, which could belong to the *Mytilopsis guianensis* or *sellei* was found. Nothing is known of its biology or ecology. It is estimated that there are at least ten species of freshwater molluscs in surface surveys because North and South American species used this route for dispersion (Rafael Cruz, personal communication, 1995).

No study has been made of the populations and status of the mammals in this area. The list in Appendix 5 was a review prepared by Chavez (1991) of several random studies carried out in this area. Nonetheless, the studies undertaken over the past five years show that there are common species in this area such as the Cebidae, Didelphidae, Mustelidae and Trichechidae families.

* Among the species of reptiles and amphibians, sightings of *Caiman crocodilus*, *Crocodilus acutus*, *Chrysemys* sp. and *Rhynoclemis* sp. are common. Among the amphibians, frogs from the Dendrobatidae family are common. As is the case with mammals, studies are scarce; we suspect there are species of salamanders (with strong endemism) that have not yet been identified.

23. Noteworthy flora:

* The most important flora is listed in Appendix 1. The following species are the most important:

Gamalote	<i>Paspalum</i> sp.
Pará	<i>Brachiaria mutica</i>
Sangrillo	<i>Pterocarpus officinalis</i>
Pumpunjoche	<i>Pachira acuatica</i>
Yolillo	<i>Raphia taedigera</i>
Gavilán	<i>Pentaclethra macroloba</i>
Almendo	<i>Dypteryx panamensis</i>
Palma Real	<i>Manicaria saccifera</i>
Guácimo Colorado	<i>Luehea seemanii</i>
Palmito	<i>Buterpe macrospadix</i>

Cocobolo	<i>Vatairea sp.</i>
Canfin	<i>Protium sp.</i>

24. Current scientific research and facilities:

* There has been little research, and the research that has been carried out has concentrated on a limited number of species. As a result of this, very little is known about the sociological processes and interrelations between species.

The institutions that have worked in this wetland are the following:

- Caribbean Conservation Corporation (CCC): Focus on sea turtles (50 years)
- Universidad de Costa Rica: Focus on sea turtles, primarily supporting the work of the CCC.
- Universidad Nacional: Research on birds, and with fisherman associations (10 years)
- National Museum: Collection of flora and insects of the wetland.
- Biodiversity Institute (INBIO): Collection of flora and insects.

- Tortuguero Flatlands (PACTo) Consolidation Project: Land tenure and use; studies on socioeconomic aspects of communities near the ACTo; research on groups of fishermen and their economic development; alternative means of agricultural production (tropical gardens and ranching schemes).

* The ACTo has several checkpoints and protection points. While it is possible to provide accommodation at these stations, there are no facilities for them.

* The ACTo does have some basic scientific equipment for laboratory work, for example, docking facilities, small boats, a documentation centre, equipment for analyzing surface water, and a geographical information system.

* The ACTo is twinned with the Doñana Wetland (Spain) and its Research Centre, where a joint research programme has begun to prepare a proposal that will allow the ACTo to implement and support research programmes in the area, for example, meteorological stations and research centres.

* PACTo and Paseo Pantera have contributed to preparing a strategy for the ACTo Research Programme (López, 1995).

25. Current Environmental Education Programmes:

* ACTo has implemented a strategy of environmental education, providing training for school teachers in the area through its Environmental Education programme because it considers that it is through them that knowledge can be transmitted to the thousands of school children throughout the region. It is in the next generation that we can create environmental awareness more effectively.

This programme develops specific activities with school children in the schools surrounding the Tortuguero National Park and the Barra del Colorado Wildlife Refuge with planned visits for the children to the Park and the Refuge for talks, slide shows, walks through the forest and visits to the streams and canals, since it is very difficult for the teachers in these remote schools to participate in the training workshops held by the ACTo.

* During the green turtle egg-laying period, special protection campaigns are aimed both at the inhabitants living near the park and in settlements where turtle meat and eggs are eaten, as well as groups involved in observing the turtle egg-laying (groups of local guides, visitors and the general public).

26. Current Tourism and Recreation Programmes

* There are no specific tourist activities within the proposed Tortuguero Conservation Area, however, these activities in the Tortuguero National Park and the Barra del Colorado Wildlife Refuge are regulated.

* The tourist activities regulated by the ACTo include freshwater and salt water sport

fishing, access by visitors to the creeks, lagoons and paths for observing fauna and flora and for observing the egg-laying of the green turtle (*Chelonia mydas*) and the leatherback turtle (*Dermochelys coriacea*).

* The ACTo organizes training activities for local tourist guides from the communities in the region, including training for beach guides on observing the green and leatherback turtles' egg-laying, and on specific topics of biology related to the turtles, workshops on fauna and flora, and visitor services.

* An ACTo Employee Association has been set up for the management of the sale of souvenirs and all manner of articles related to the area at the checkpoints in the Tortuguero National Park.

27. Authority responsible for the Management of the WETLAND (1)

* The authority responsible in the country is the Ministry of the Environment and Energy, and its Conservation Areas System (SINAC) department.

28. Jurisdiction:

The Northeast Caribbean Wetland (HCN) corresponds to the province of Limon, the canton of Siquirres and Pococi; and the Province of Heredia, canton of Sarapiquí. Its management corresponds by law to the Tortuguero Flatlands Conservation and Sustainable Development Area (ACTo) of the SINAC and the Ministry of the Environment and Energy.

29. Bibliography

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Robinson, D. 1987. The marine molluscs of the Atlantic coast of Costa Rica. *Tropical Biology Magazine*, 35:375-400.

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30. Criteria

The Northeast Caribbean Wetland can be considered of international importance because:

a) It is particularly representative of a typical natural wetland of the Caribbean coast of Costa Rica. In addition, due to the fact that it plays a predominant role in supporting human communities that depend on the wetland, for example, for providing food, maintaining cultural values, and as a breeding area for aquatic species (fish) that support the fisheries of the Caribbean coast of Costa Rica.

b) It is the wetland that maintains species and subspecies of plants and animals that are vulnerable or endangered. Furthermore, it is highly valuable as a stronghold of genetic and ecological diversity in the region.

c) It is an essential route for birds migrating from the North, which indicates that each year 1,000,000 migratory birds come to the Northeast Caribbean Wetland to rest and feed.

The families and groups that remain in the area are the following: Gaviidae, Anatidae, Falconidae, Pandionidae, Pelecanidae, Ciconiiformes, and Sternidae.

Annex 21

Defense Ministry/Army of Nicaragua. “National Defense Book” p. 29

Available at:

http://web.archive.org/web/20101220211731/http://www.midef.gob.ni/doc/Libro_de_defensa.pdf

2005

*Book of National Defense***4. BORDER WITH COSTA RICA**

The land border that separates the Republics of Nicaragua and Costa Rica extends from the extremity of Punta de Castilla at the mouth of the San Juan River in the Caribbean Sea until the Pacific Ocean, at a point in the northeast of the Bay of Salinas, through the Bay, and ending at the centre of the Bay's closing line between Arranca Barba Point in Nicaragua and westernmost part of the land next to Punta Zacate in Costa Rica. The demarcation of this border was based on the Jerez-Cañas Treaty, signed in 1858, the Arbitral Award of the President of the United States of America Mr. Grover Cleveland of 1888, the Matus-Pacheco Convention of 1896 y the Awards of General EP. Alexander from 1897 to 1900, Engineer Arbitrator designated by President Cleveland in accordance with Article III of the Matus-Pacheco Convention.

The land border with Costa Rica begins at the extremity of Punta de Castilla at the mouth of the San Juan River in the Caribbean Sea. From this point the line continues on the right bank of Harbor Head Lagoon, up the channel that is parallel to the Caribbean coast, reaching the mouth of the Rio San Juan. The dividing line continues along the right margin of the San Juan River, following its circumvolutions up to the point with is three miles from the fort of El Castillo de la Concepción following an approximate distance of 138 kilometres...

Annex 22

Agreement over the Border Protected Areas between Costa Rica and Nicaragua
(International System of Protected Areas for Peace [SI-A-PAZ] Agreement)

15 December 1990

AGREEMENT ON PROTECTED BORDER AREAS

The Governments of the Republics of Costa Rica and Nicaragua

Whereas:

1. The International System of Protected Areas for Peace (SI-A-PAZ), in the border area of Costa Rica and Nicaragua, voices the widespread feeling of our nations and governments in order that permanent peace may be achieved in Central America;
2. The System and its scientific basis had their origin in the First Central American Meeting on Management of Natural and Cultural Resources, held in San Jose, Costa Rica in December 1974;
3. At the 17th General Assembly of the International Union for Conservation of Nature held in Costa Rica in February 1988, an agreement was made to support the negotiations carried out by the Governments of Costa Rica and Nicaragua to consolidate the SI-A-PAZ;
4. To this end, both countries have national commissions comprising government and non-government representatives, and have technical personnel working full-time on the SI-A-PAZ;
5. In October 1990 a binational meeting was held in Managua in which the framework for the funding in both countries of the SI-A-PAZ was established, and it was agreed that the respective Ministers of Natural Resources would sign a sectorial agreement in order to be able to develop projects in the SI-A-PAZ;
6. At the abovementioned meeting a top-level Binational Commission was set up in order to deal with all aspects related to the SI-A-PAZ, and several projects of a binational, homologous and national nature were identified for their development in the SI-A-PAZ;
7. The largest example of a tropical rainforest located along Central America's Caribbean coast will be fully protected in the SI-A-PAZ;
8. The area has an extraordinary diversity of habitats such as rainforests and riversides, rivers, lagoons and wetlands, as well as a vast wealth and diversity of fauna, and major potential for ecotourism;

9. The area is inhabited by marginalized rural groups that have been unable to achieve sustainable development due to a lack of financial resources and technical advice;
10. There is an interest and the political will to put into practice projects for national and sustained management of natural resources, with respect for the sovereign rights of each country, in order to improve the quality of life of the local populations and those of both countries in general.

Therefore:

Agree:

1. To declare the SI-A-PAZ the highest priority conservation project in both countries;
2. To request that the International Union for Conservation of Nature declare the SI-A-PAZ one of the most important conservation and sustainable development projects in Central America;
3. To request the support of the Scientific and International Conservationist community, and that of the donor countries and organizations, in order to implement the binational, homologous and national projects that the Binational Commission of the SI-A-PAZ has identified for both countries;
4. To request that the International Union for Conservation of Nature's Regional Office for Central America continue its technical and financial support for the SI-A-PAZ.

Signed in Puntarenas, on the 15th of December 1990.

Rafael Angel Calderon Fournier

President of Costa Rica

Violeta Barrios de Chamorro

President of Nicaragua

Annex 23

Convention for the Conservation of the Biodiversity and Protection of the Main
Wild Life Sites in Central America

5 June 1992

THE LEGISLATIVE ASSEMBLY OF THE REPUBLIC OF COSTA RICA**DECREES:****AGREEMENT ON THE CONSERVATION OF BIODIVERSITY AND
PROTECTION OF PRIORITY WILDLIFE AREAS IN CENTRAL
AMERICA**

Article 1. –The approval of the Agreement on the Conservation of Biodiversity and Protection of Priority Wildlife Areas in Central America, signed in Managua, Nicaragua, on 5 June 1992, the text of which reads as follows:

**“AGREEMENT ON THE CONSERVATION OF BIODIVERSITY AND
PROTECTION OF PRIORITY WILDLIFE AREAS IN CENTRAL AMERICA**

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

CONSCIOUS of the need to establish regional mechanisms of economic integration, and of cooperation for the rational use of the isthmus’ environment, in view of the close interdependency that exists between our countries;

EAGER to protect and conserve the natural regions of aesthetic interest, historical value and scientific importance, which represent unique ecosystems of regional and world importance, and that they may have the potential to provide sustainable development for our societies;

CONFIRMING that the conservation of biodiversity is a matter that concerns all peoples and all nations;

TAKING NOTE that biological diversity is been severely reduced and that some species and ecosystems are endangered;

EMPHASIZING that the conservation of natural habitats and maintaining populations of species of flora and fauna should be undertaken both in situ and ex situ;

CONSCIOUS of the existing relation between conservation and sustainable development, and reasserting its decision to employ firm action in order to deal with the preservation, recovery, restoration and rational use of our ecosystems, including endangered flora and fauna;

CERTAIN that, in order to improve the quality of life of the isthmus’ populations it is necessary to encourage respect for nature and the law, and promote the consolidation of peace, and the sustainable use and recovery of natural resources;

HIGHLIGHTING that, in order to ensure sustainable development, the designation, administration and strengthening of Protected Areas play a key role in ensuring that essential ecological processes and rural development are maintained.

RECOGNIZING that the Central American Commission for Environment and Development (CCAD in Spanish) is the ideal entity for formulating strategies and plans of action that put into practice decisions related to caring for the environment;

SUPPORTING the search for financial mechanisms that provide specific backing for all initiatives in the field of conservation of natural resources, including those to which friendly countries contribute adequately;

We have decided to sign this Agreement that is to be entitled:

AGREEMENT ON THE CONSERVATION OF BIODIVERSITY AND PROTECTION OF PRIORITY WILDLIFE AREAS IN CENTRAL AMERICA

CHAPTER 1

Fundamental Principles

Article 1.-Objective. The objective of this Agreement is to conserve, to the best possible degree, the biological, land, and coastal and marine diversity of the Central American region in order to benefit the present and future generations.

Article 2.-The signatories to this Agreement confirm their sovereign right to conserve and exploit their own biological resources in accordance with their own policies and regulations bearing in mind:

- c) The sustainable conservation and use of their biological resources, with a social purpose; and
- d) The assurance that the activities within their jurisdiction or control do not cause any damage to the biological diversity of their nations or areas within their national jurisdiction.

Article 3.-The conservation of biodiversity in border habitats or waters requires the will of all, as well as external, regional and global cooperation in addition to the efforts developed by the nations, which is why the international community is invited to participate, both technically and financially, in our efforts.

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

Article 5.-The value of the contribution of biological resources and the preservation of biological diversity to economic and social development should be acknowledged and reflected in the economic and financial arrangements between the countries of the region, and between these and others who cooperate in their conservation and exploitation.

Article 6.-Knowledge related to biological diversity and the efficient management of protected areas should be promoted in the region. The benefit of research, and development resulting from Biomaterials, or that resulting from managing protected areas, should be made available to society at large.

Article 7.-The knowledge, practices, and technological innovations developed by groups native to the region, that contribute to the sustainable use of biological resources and their conservation, should be acknowledged and reclaimed.

Article 8.-There will be open access to genetic material, substances, products derived from them, related technology, and their conservation, under the jurisdiction and control of the nations, within mutual agreements made with recognized organizations.

Article 9.-Definitions. For the purpose of this regional Agreement, the most important terms will be used with the following meanings:

Protected Area: A defined geographical area of land or coast or a marine area, which is designated, regulated and managed with a view to reaching specific conservation goals, that is, to produce a series of specific goods and services (in-situ conservation).

Biodiversity or Biological diversity: All species of flora, fauna or other live organisms, their genetic variability, and the ecological complexes of which they are part.

Conservation: Preservation, protection, restoration, and sustainable use of the elements of biodiversity.

Ex-situ conservation: The conservation of components of biological diversity (genetic material or organisms), outside their natural environment.

Ecosystem: Complex of communities of plants, animals and microorganisms and their environment interacting as an ecological unit.

Endangered species: Species that is threatened or under threat of extinction, which will not survive if the causal factors continue to operate.

Genetic material: Any material from plants, animals or microorganisms or other origin that contains functional units of hereditary information.

Habitat: Place or site where an organism or population is normally found.

CHAPTER II

General Obligations

Article 10.-Each member state of this regional framework makes a commitment, in accordance with its capacities, national programmes and priorities, to take the necessary measures to ensure the conservation of biodiversity, and its sustainable use, as well as the development of its components within its national jurisdiction, and to cooperate, as much as possible, in border and regional actions.

Article 11.-The member States will take the necessary measures to incorporate into their respective policies and development plans, the guidelines for, and the socioeconomic value of, the conservation of biological resources.

Article 12.-The institutions of the countries in the Central American region will cooperate, as appropriate, with regional and international institutions in order to mutually support each other in the fulfilment of the obligations they have assumed in this Agreement, including those related to aspects dealing with biotechnology, health and food security.

Article 13.-In order to fully comply with this Agreement they should:

- h) Cooperate with the Central American Commission for Environment and Development (CCAD), for the development of measures, procedures, technologies, practices and standards for the regional implementation of this Agreement.
- i) Implement economic and legal measures favouring the sustainable use and development of the components of biological diversity.
- j) Ensure that steps are taken to contribute to the conservation of natural habitats and their populations of natural species.
- k) Provide, either on an individual basis or in cooperation with other States and international organizations, new and additional funds for supporting the implementation of programmes and activities –both national and regional – related to the conservation of biodiversity.
- l) Promote and support scientific research within national universities and centres of regional research, in conjunction with international organizations that show interest in this respect.
- m) Promote public awareness in each Nation of the need for the conservation, sustainable use, and development of the region's biological wealth.
- n) Facilitate the exchange of information between national institutions, and between the countries of the Central American region, and other international organizations.

CHAPTER III

Implementation Measures

Article 14.-Each country in the region should develop their own conservation and development strategies, giving priority in these to the conservation of biodiversity and creating and managing protected areas.

Article 15.-The conservation and sustainable use of biological resources in the relevant policies and programmes of other sectors should be integrated as quickly and as appropriately as possible.

Article 16.-Each country in the Central American region will be encouraged to draw up a national law for conservation and the sustainable use of the components of biodiversity.

Article 17.-National parks, natural and cultural monuments, wildlife refuges, and other protected areas should be identified, selected, created, managed and strengthened, as soon as possible, by the institutions responsible in the respective countries, as instruments for ensuring the conservation of representative examples of the main ecosystems in the isthmus, especially those that contain water-producing forests.

Article 18.-Within this Agreement, priority will be given to developing and strengthening protected border areas in the following land and coastal regions, known as:

- Maya Biosphere Reserve.
- Trifinio Fraternidad Biosphere Reserve.
- Gulf of Honduras.
- Gulf of Fonseca.
- Coco River or Solidarity Reserve. – Miskitos Cays.
- International System of Protected Areas for Peace (SI-A-PAZ).
- Salinas Bay Reserve.
- La Amistad Biosphere Reserve. – Sixaola Reserve.
- Darien region.

Article 19.-National strategies should be developed for implementing the plans for Protected Wildlife Area Systems, given that they ensure the basic economic functions for local, regional and global development, as well as for strengthening the presence of institutions in the abovementioned areas, for which national and international funding will be negotiated for their effective implementation.

Article 20.-The Central American Commission for Environment and Development (CCAD) will be responsible for taking the initiative to update and promote the appropriate implementation of the “1989-2000 Plan of Action” for creating and strengthening the Central American Protected Areas System (SICAP in Spanish), as well as the conservation actions of the “Tropical Forestry Action Plan for Central America”, for which it should strengthen its ties with the International Union for Conservation of Nature (IUCN), as well as with other regional institutions, in coordination with the national institutions and governments of the isthmus.

[...]

Article 32.-Request preferential and concessionary treatment from the international community for favouring access to and the transfer of technology

between developed and Central American countries, in addition to facilitating these among the countries of the region.

Article 33.-The exchange of information, based on reciprocity, should be promoted regarding actions that could be developed in territories under their jurisdiction that are potentially harmful to natural resources, in order that the affected countries may assess the most appropriate bilateral or regional course of action.

Article 34.-The need to highlight the importance of having adequately qualified human resources for increasing the quality and quantity of actions for restoring the ecological balance of the region is considered a matter of urgency, as is that of inviting and supporting national, regional and foreign scientific-technological institutions and universities to increase their efforts in the study and assessment of biodiversity, as well as updating information on endangered species in each of the countries in the region.

Article 35.-The importance of civilian participation in actions regarding biodiversity conservation is recognized and, therefore, the production of educational material for the media is promoted, in addition to its inclusion in existing public and private education programmes.

Article 36.-The mandate of the Central American Commission for Environment and Development (CCAD) includes requesting the support of international organizations or governments of friendly countries for developing updated lists on endangered protected areas, species and habitats, institutions linked to the conservation of biodiversity and priority projects in this field.

Article 37.-All that mentioned in this Agreement should not affect the rights and obligations of Central American nations resulting from prior international agreements related to the conservation of biological resources and protected areas.

Article 38.-The national institutions that make up the Central American Commission for Environment and Development (CCAD) are considered responsible for overseeing the implementation of this Agreement, and of providing annual progress reports to the Central American Presidential Summit.

CHAPTER IV

General Provisions

Article 39.-Ratification. This Agreement will be subjected to ratification by the Member States, in accordance with the internal regulations of each country.

Article 40.-Accession. This Agreement is open to the accession of the States of the Mesoamerican region.

Article 41.-Deposit. The instruments of ratification or of accession and accusations regarding this Agreement and its amendments are to be deposited at the Ministry of Foreign Affairs of the Republic of Guatemala, which will send a certified copy of these to the Foreign Ministries of the other Member States.

Article 42.-Enforcement. For the first three depositor States this Agreement will come into force eight days after the date on which the third instrument of ratification is deposited, and for the remaining signatories or subscribing members, on the date their respective instruments are deposited.

Annex 24

Convention on Biological Diversity

Article 14

21 May 1992

**CONVENTION
ON BIOLOGICAL DIVERSITY**



UNITED NATIONS

1992

(b) Cooperate, as appropriate, with other States and international organizations in developing educational and public awareness programmes, with respect to conservation and sustainable use of biological diversity.

Article 14. Impact Assessment and Minimizing Adverse Impacts

1. Each Contracting Party, as far as possible and as appropriate, shall:

(a) Introduce appropriate procedures requiring environmental impact assessment of its proposed projects that are likely to have significant adverse effects on biological diversity with a view to avoiding or minimizing such effects and, where appropriate, allow for public participation in such procedures;

(b) Introduce appropriate arrangements to ensure that the environmental consequences of its programmes and policies that are likely to have significant adverse impacts on biological diversity are duly taken into account;

(c) Promote, on the basis of reciprocity, notification, exchange of information and consultation on activities under their jurisdiction or control which are likely to significantly affect adversely the biological diversity of other States or areas beyond the limits of national jurisdiction, by encouraging the conclusion of bilateral, regional or multilateral arrangements, as appropriate;

(d) In the case of imminent or grave danger or damage, originating under its jurisdiction or control, to biological diversity within the area under jurisdiction of other States or in areas beyond the limits of national jurisdiction, notify immediately the potentially affected States of such danger or damage, as well as initiate action to prevent or minimize such danger or damage; and

(e) Promote national arrangements for emergency responses to activities or events, whether caused naturally or otherwise, which present a grave and imminent danger to biological diversity and encourage international cooperation to supplement such national efforts and, where appropriate and agreed by the States or regional economic integration organizations concerned, to establish joint contingency plans.

2. The Conference of the Parties shall examine, on the basis of studies to be carried out, the issue of liability and redress, including restoration and compensation, for damage to biological diversity, except where such liability is a purely internal matter.

Article 15. Access to Genetic Resources

1. Recognizing the sovereign rights of States over their natural resources, the authority to determine access to genetic resources rests with the national governments and is subject to national legislation.

Annex 25

Osman v. The United Kingdom (App No. 23452/94), [1998] ECHR 101 (28 October 1998) para 116

Available at: <http://www.bailii.org/cgi-bin/markup.cgi?doc=/eu/cases/ECHR/1998/101.html&query=Osman+and+United+and+Kingdom&method=boolean>

27 October 1998

CASE OF  OSMAN  v. THE  UNITED KINGDOM 

(87/1997/871/1083)

JUDGMENT

STRASBOURG

28 October 1998

The present judgment is subject to editorial revision before its reproduction in final form in Reports of Judgments and Decisions 1998. These reports are obtainable from the publisher Carl Heymanns Verlag KG (Luxemburger Straße 449, D-50939 Köln), who will also arrange for their distribution in association with the agents for certain countries as listed overleaf.

116. For the Court, and bearing in mind the difficulties involved in policing modern societies, the unpredictability of human conduct and the operational choices which must be made in terms of priorities and resources, such an obligation must be interpreted in a way which does not impose an impossible or disproportionate burden on the authorities. Accordingly, not every claimed risk to life can entail for the authorities a Convention requirement to take operational measures to prevent that risk from materialising. Another relevant consideration is the need to ensure that the police exercise their powers to control and prevent crime in a manner which fully respects the due process and other guarantees which legitimately place restraints on the scope of their action to investigate crime and bring offenders to justice, including the guarantees contained in Articles 5 and 8 of the Convention.

In the opinion of the Court where there is an allegation that the authorities have violated their positive obligation to protect the right to life in the context of their above-mentioned duty to prevent and suppress offences against the person (see paragraph 115 above), it must be established to its satisfaction that the authorities knew or ought to have known at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk. The Court does not accept the Government's view that the failure to perceive the risk to life in the circumstances known at the time or to take preventive measures to avoid that risk must be tantamount to gross negligence or wilful disregard of the duty to protect life (see paragraph 107 above). Such a rigid standard must be considered to be incompatible with the requirements of Article 1 of the Convention and the obligations of Contracting States under that Article to secure the practical and effective protection of the rights and freedoms laid down therein, including Article 2 (see, *mutatis mutandis*, the above-mentioned McCann and Others judgment, p. 45, § 146). For the Court, and having regard to the nature of the right protected by Article 2, a right fundamental in the scheme of the Convention, it is sufficient for an applicant to show that the authorities did not do all that could be reasonably expected of them to avoid a real and immediate risk to life of which they have or ought to have knowledge. This is a question which can only be answered in the light of all the circumstances of any particular case.

On the above understanding the Court will examine the particular circumstances of this case.

Annex 26

Guidelines for International Cooperation under the Ramsar Convention,
Implementing Article 5 of the Convention, adopted as an annex to Resolution
VII.19

1999

Resolution VII.19



“People and Wetlands: The Vital Link”
**7th Meeting of the Conference of the Contracting Parties
 to the Convention on Wetlands (Ramsar, Iran, 1971),
 San José, Costa Rica, 10-18 May 1999**

Guidelines for international cooperation under the Ramsar Convention¹

1. RECALLING Article 5 of the Convention which obliges Contracting Parties to *“consult each other about implementing obligations arising from the Convention especially in the case of wetlands extending over the territories of more than one Contracting Party or where the water system is shared by Contracting Parties. They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna”*;
2. AWARE of the previous Resolutions and Recommendations relating to international cooperation adopted by previous Conferences of the Contracting Parties, and most notably, Resolutions 4.4, VI.9 and VI.10 and Recommendations 1.2, 3.4, 3.5, 4.11, 4.12, 4.13, 5.4, 5.5, 6.4 and 6.16;
3. RECOGNISING that the Strategic Plan of the Convention 1997-2002, through General Objective 7, prescribes a range of priority actions relating to international cooperation;
4. RECOGNISING IN PARTICULAR Action 7.3.4 of the Strategic Plan of the Convention which directs that the Standing Committee and the Ramsar Bureau should *“develop, for consideration at a Technical Session of the 7th COP (1999), guidelines for Contracting Parties on how to carry out their obligations in the field of international cooperation, particularly as regards obligations concerning national funding agencies which provide assistance that may affect wetlands in developing countries”*;
5. EXPRESSING thanks to those Contracting Parties and others that contributed to the development of the *Guidelines for international cooperation under the Ramsar Convention* and, in particular, the Global Environment Network for the preparation of the resource paper on development assistance presented to Technical Session V of this Conference;
6. NOTING WITH APPROVAL the success of the internship programme within the Ramsar Bureau as an illustration of international cooperation and training initiatives;
7. ACKNOWLEDGING the achievements of the Small Grants Fund (Resolution VII.5), yet EXPRESSING CONCERN that this significant mechanism for international cooperation

¹ Turkey registered a reservation concerning the content of the last part of paragraph 8 of the preamble of the Resolution and of sections 1.1(b), 2.1.1, 2.1.2 and items A2 and A3, together with the title, of the box containing Section A, of the Guidelines. Turkey declared that, consequently, it will not consider that Resolution VII.19 is a legally binding document, as far as the above-mentioned points are concerned. The full text of the declaration by the Turkish Delegation appears in paragraph 135 of the Conference Report.

2.6.2 Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)

§2.7 Regulation of foreign investment to ensure wetland conservation and wise use

2.7.1 Impact assessment

2.7.2 Codes of Conduct for foreign interests

§1. Introduction

1. Article 5 of the Convention states that *“the Contracting Parties shall consult each other about implementing obligations arising from the Convention especially in the case of wetlands extending over the territories of more than one Contracting Party or where the water system is shared by Contracting Parties. They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.”*
2. At the 6th Conference of the Contracting Parties, the Strategic Plan of the Convention on Wetlands (Ramsar, Iran, 1971) was approved. Action 7.3.4 of the Plan directs that the Standing Committee and the Ramsar Bureau should *“develop, for consideration at a Technical Session of the 7th COP (1999), guidelines for Contracting Parties, particularly as regards obligations concerning national funding agencies which provide assistance that may affect wetlands in developing countries.”*

§1.1 Interpreting Article 5 of the Convention

3. In these guidelines the following assumptions have been made with respect to interpreting the text of Article 5.
 - a) *“The Contracting Parties shall consult each other about implementing obligations arising from the Convention . . .”* It has been assumed that this text refers to all obligations arising from the Convention text, including, but not restricted to, Article 2.6 (conservation, management and wise use of migratory waterfowl), Article 3.1 (planning and implementation of wise use), Article 4.3 (encouraging research and the exchange of data and publications), and Article 4.5 (promoting training, management and wardening).
 - b) *“. . . especially in the case of wetlands extending over the territories of more than one Contracting Party or where the water system is shared by Contracting Parties.”* It has been assumed that this text refers to wetlands which cross international borders, whether Wetlands of International Importance or not - this is consistent with Article 3.1 - and river basins which cross international borders, irrespective of whether or not they contain Wetlands of International Importance.
 - c) *“They shall at the same time endeavour to coordinate and support present and future policies and regulations concerning the conservation of wetlands and their flora and fauna.”* It has been assumed that this text refers to cooperation between Contracting Parties in areas such as shared wetland-dependent species, bilateral and multilateral assistance, trade in wetland-derived plant and animal products, and foreign investment practices.

§2. Guidelines for International Cooperation

6. Contracting Parties are urged to consider and adopt as appropriate the following Guidelines as the basis for their implementation of Article 5 of the Convention.

§2.1 Managing shared wetlands and river basins

7. The Ramsar Convention has always recognized that a fundamental obligation of Contracting Parties pursuant to Article 5 was cooperation in the management of so-called shared wetlands. The concept of shared wetlands, now regularly referred to as international wetlands, is a relatively simple one, meaning those wetlands which cross international boundaries. In the past, priority has been given to encouraging the Contracting Parties with shared wetlands included in the List of Wetlands of International Importance to cooperate in their management. Article 3.1 of the Convention indicates very clearly that that cooperation should extend to all shared wetlands, whether Ramsar-listed or not.
8. As the Convention has recognized and responded to the need to manage wetlands as part of river basins, so has the interpretation of international cooperation been expanded to include those situations where a wetland in one Contracting Party is within the water catchment of another Contracting Party and where the actions of the Contracting Parties within the catchment area may result in changes to the ecological character of the wetland. If the wetland in such a scenario is Ramsar-listed, the Contracting Parties might not be able to live up to their obligations under the Convention, through circumstances beyond their control. The inability of an upstream Party to deal with a problem impacting downstream should also be considered. A similar situation can arise with coastal wetlands, where the actions or inactions of one Contracting Party may adversely impact on the wetlands of another. Land-based marine pollution is a case in point.
9. In this area of shared river basins Contracting Parties should, where appropriate, seek to harmonize their implementation of Article 5 of the Ramsar Convention with obligations arising from any watercourse agreements to which they may also be signatories. At the international and regional scale there are over 200 such agreements which already provide a legal basis for cooperation. At regional level, the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Helsinki, 17 March 1992) sets out important principles and rules which provide a comprehensive basis for the development of new agreements.
10. As indicated above, another aspect of managing shared wetlands and river basins is that of alien or invasive species. For wetlands which cross international boundaries there is a clear responsibility on the part of all jurisdictions involved to do everything possible to restrict the spread of such invasive species, where they would have negative impacts. The same applies for shared river basins where preventing the water-borne introduction of an invasive species from one Contracting Party into an adjoining state should also be considered a responsibility under the Convention's guidelines for international cooperation.

§2.1.1 *Transboundary (international) wetlands*

AFFIDAVITS

Annex 27

Affidavit of Franklin Gutierrez Mayorga

15 August 2011

NUMBER ONE HUNDRED AND FIFTY TWO: Before me, **GUSTAVO ARGUELLO HIDALGO**, Notary Public with offices in San Jose, San Pedro de Montes de Oca, Barrio Dent, fifty metres south of the *Consejo Monetario Centroamericano* on the Boulevard, appears Mr. **FRANKLIN GUTIERREZ MAYORGA**, of Costa Rican nationality, of legal age, married once, a cameraman, resident of San Jose, Coronado, *Urbanizacion Villas Flores*, second stage, house number one hundred and forty two, bearing identity card number: seven – zero sixty two – four hundred and ninety four, **AND DECLARES:** That having been warned of the penalties with which perjury and false testimony are punishable by law, appears in person to make a sworn statement of the following: **FIRST:** That on the twenty second of October two thousand and ten he was working as a cameraman for TV Extra’s channel *Cuarenta y Dos*, but that he is currently self-employed. **SECOND:** That on that occasion his bosses asked him to accompany a journalist to cover a story on Isla Calero. **THIRD:** That he knows the area well and they decided to look for a boatman in a place called Fatima, which is on the right bank of the San Juan River. In Fatima he hired a boatman, who they paid the sum of seventy thousand colones to take them to Isla Calero. **FOURTH:** That they left Fatima and sailed along the San Juan river heading directly towards the Nicaraguan post in the Delta. Once at the post, the Nicaraguan soldiers asked them for their identification, which they produced, nonetheless, the soldiers told them that the navigation was not permitted and that they would, furthermore, have to report to the Nicaraguan post in Sarapiquí. After a few minutes, the soldiers took two of the journalists from the boat to the post while he remained in the boat with the boatman. He declares that while he remained in the boat a Nicaraguan soldier pointed an AK forty seven-type machine gun at him the whole time he was waiting. After approximately forty minutes of waiting, the two journalists were escorted back, indicating that they had to go back to Costa Rica because they were prohibited from navigating along the San Juan river. The boatman then returned once again to Fatima and they did not navigate along the San Juan river any further. That is all he wishes to declare. Having warned the deponent of the legal value and significance of his

declarations, I issue a first statement. Having read this statement out loud, he is in accordance and we sign in San Jose at the Fifteen hours on the thirty first of August two thousand and eleven. *****

*****FRANKLIN GUTIERREZ MAYORGA***GUSTAVO ARGUELLO HIDALGO*******

THE ABOVE IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY TWO VISIBLE ON PAGE ONE HUNDRED AND SIXTY FIVE, FRONT OF VOLUME EIGHT OF THE PROTOCOL OF THE UNDERSIGNED NOTARY. CONFRONTED WITH THE ORIGINAL IT CONFORMS AND I ISSUED IT AS A FIRST STATEMENT ON THE SAME OCCASION THE ORIGINAL IS GRANTED.

Annex 28

Affidavit of Jeffrey Prendas Arias

15 September 2011

NUMBER ONE HUNDRED AND FIFTY THREE-EIGHT: Before me, **GUSTAVO ARGUELLO HIDALGO**, Notary Public with offices in San Jose, San Pedro de Montes de Oca, Barrio Dent, fifty metres south of the *Consejo Monetario Centroamericano* on the Boulevard, appears Mr. **JEFREY PRENDAS ARIAS**, of Costa Rican nationality, of legal age, married once, a journalist, a resident of San Jose, twenty five metres south of the main entrance of the Blanco Cervantes Hospital, between avenida eight and ten, bearing identity card number: six – three hundred and twenty four – six hundred and twenty three, **AND DECLARES:** That having been warned of the penalties with which perjury and false testimony are punishable by law, he appears in person to make the following sworn statement: **FIRST:** That on the twenty second of October two thousand and ten he was working as a journalist for the Costa Rican television newscast TV Extra's *Cuarenta y Dos*. **SECOND:** That due to news of a possible Nicaraguan incursion into Costa Rican territory, the television channel had instructed him to go to area of Isla Calero in order to report the situation that had arisen there. **THIRD:** He continues stating that he went with other work colleagues to a place called Fatima, a small Costa Rican town located on the right bank of the San Juan River, near the mouth of the Colorado River. Once they arrived there they hired a private boatman to take them from that place to Isla Calero. **FOURTH:** The boatman sailed from Fatima and headed towards the first nearest post of the Nicaraguan Army located in the place known as the Delta, indicating that they had to report there. Once at the post, soldiers of the Nicaraguan Army pointed their heavy weaponry at them. The boatman explained to the soldiers that they were passing by to report themselves and that they were going to Isla Calero in Costa Rican territory, to which they replied that they could not do this. One of the Nicaraguan officers, who approached, made him and another journalist get out of the boat and told them they could not report at that post. Both of them, with guns being pointed at them, were taken outside the building where the post is based. There, both the person who appeared to be the Chief of the soldiers and a Nicaraguan migration official told them it was illegal for journalists to sail along

the San Juan river, and that they needed authorization from the Nicaraguan Foreign Ministry, and they informed them that their entry into the river was a crime, and that they could therefore be detained. After some thirty minutes of consultation between the Nicaragua

n officers themselves, they were informed that they were going to let them go, with a warning that they had to return to Costa Rican territory and that if they found them navigating their personal safety would be compromised and they would be arrested. The soldiers escorted them back to the boat, and they returned to Fatima. This is all he wishes to declare. Having warned the deponent of the legal value and significance of his declarations, I issue a first statement. Having read this statement out loud, he is in accordance and we sign in San Jose at the Eight hours on the first of September two thousand and eleven.

*****FRANKLIN GUTIERREZ MAYORGA***GUSTAVO ARGUELLO HIDALGO*******

THE ABOVE IS A TRUE COPY OF DEED NUMBER ONE HUNDRED AND FIFTY THREE-EIGHT VISIBLE ON PAGE ONE HUNDRED AND SIXTY FIVE, FRONT OF VOLUME EIGHT OF THE PROTOCOL OF THE UNDERSIGNED NOTARY. CONFRONTED WITH THE ORIGINAL IT CONFORMS AND I ISSUED IT AS A FIRST STATEMENT ON THE SAME OCCASION THE ORIGINAL IS GRANTED.

**NATIONAL LEGISLATION
AND
OTHER DOCUMENTS**

Annex 29

Ministry of Environment, Energy and Mines, Decree N° 22962-MIRENEM

15 February 1994

Declares the border corridor comprising the land extending the length of the border with Nicaragua from Punta Castilla in the Caribbean Sea to Salinas Bay in the Pacific Ocean a National Wildlife Refuge

No. 22962-MIRENEM

THE PRESIDENT OF THE REPUBLIC

AND THE MINISTER OF NATURAL RESOURCES, ENERGY AND MINES,

Pursuant to the authority conferred upon them by article 140, subsections 3) and 18) of the Political Constitution, and articles 82 and 84 of the Law of Wildlife Conservation N° 7317 of 30 October 1992.

Whereas:

1.-It is the obligation of the State to guarantee the protection of the country's natural resources.

2.-Under Law N° 13, the General Law on Wasteland, issued on 6 January 1939, article 10, and Law N° 2 2825 and its reforms, article 7, subsection f) a 2000-metre-wide inalienable public zone was created extending the length of the border with Nicaragua; pursuant to that stipulated in the pronouncements issued by the Attorney General of the Republic N° C107-85 and N° C272-85 of 20 May 1985 and 29 October 1985 respectively, the management of the area insofar as land apt for agriculture shall be granted to the Institute of Agricultural Development and insofar as land apt for forestry to the Ministry of Natural Resources, Energy and Mines.

3.-The abovementioned area constitutes an extremely important biological corridor located between the Tortuguero Conservation Area, the Tamborcito and Maquenque wetlands, the Caño Negro National Wildlife Refuge and the El Jardin Forest Reserve.

4.-In accordance with the agreement on Border Areas signed by the Governments of the Republics of Costa Rica and Nicaragua in Puntarenas on the fifteenth of December 1990, the International Protected Areas System (SI-A-PAZ) was declared the highest priority conservation project in both countries.

5.-The SI-A-PAZ aims to protect the largest and most representative tropical rainforest on the Caribbean coast of Central America.

6.-The increase in commercial single-crop farming and illegal felling have reduced the forest area of the northern coast to critical levels, to the consequent detriment of wildlife habitats, the loss of biodiversity, the silting of pluvial water course, and increased erosion. Thus,

WE DECREE THE FOLLOWING:

Article 1.-That the border corridor comprising the land in an area 2000 m wide extending the length of the border with Nicaragua from Punta Castilla in the Caribbean Sea to Salinas Bay in the Pacific Ocean be declared a National Wildlife Refuge, in accordance with that stipulated in the Cañas-Jerez Treaty of 15 April 1858.

Article 2.-The lands with title deeds lawfully registered at the Land Registry that are in the area within the National Wildlife Refuge shall only be considered part of the same until the State acquires or expropriates their property rights.

Thus reformed under article 1 of executive decree N° 23248 of 20 April 1994.

Article 3.-The management of the Refuge is to be undertaken by the Wildlife Refuge Department of the Ministry of Natural Resources, Energy and Mines.

Article 4.- Valid as of the date of its publication.

Issued at the Office of the President of the Republic.—San Jose, on the fifteenth of February 1994.

Annex 30

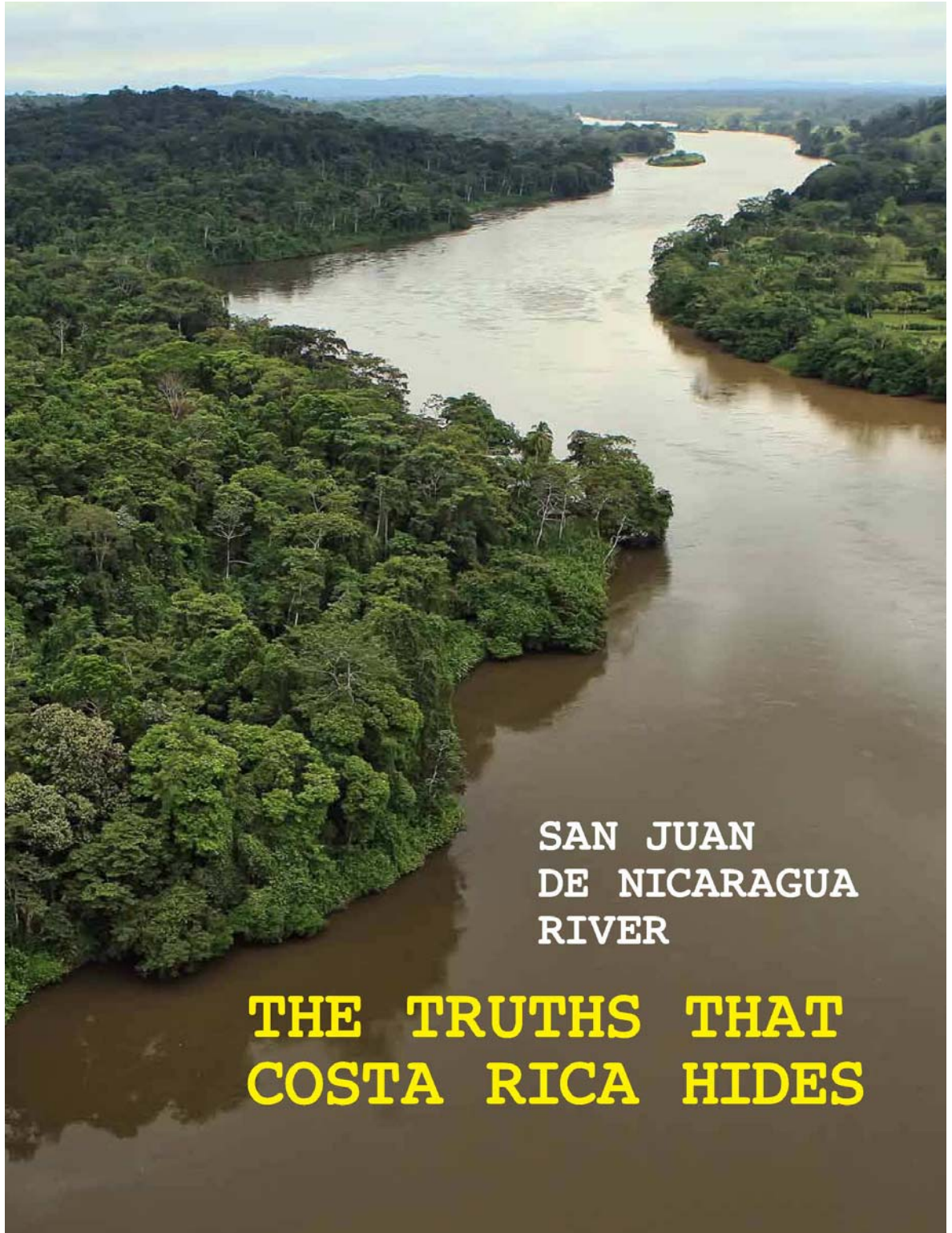
Government of Nicaragua, “San Juan de Nicaragua River: The Truths That Costa Rica Hides” (White Book)

Available at

http://www.visitanicaragua.com/ingles/TruthsCostaRicaHides_webVersion.pdf

and http://www.cancilleria.gob.ni/diferendos/VerdadesQueCostaRicaOculto_webVersion.pdf

29 November 2010



SAN JUAN
DE NICARAGUA
RIVER

**THE TRUTHS THAT
COSTA RICA HIDES**

SAN JUAN DE NICARAGUA RIVER

PRESENTATION

The State Council, in the defense of peace and sovereignty, and the constitutional institutions of the Republic of Nicaragua make available to the people of Nicaragua and to the international community ample information that permits to illustrate the scope of the dispute created by Costa Rica as of October 22, 2010.

The content of this compendium of information permits to easily establish judgments of value on the truths that Costa Rica hides and, moreover, to identify that its pretension is, again, to cut off part of the territory of Nicaragua as occurred in different episodes of our history.

The truths that Costa Rica hides are expressed in the historical, legal, environmental order and aspects that are today binding, such as those referring to the incidence of drug trafficking in the State policies of the Government of Costa Rica and the pretended propagandization of an aggression by Nicaragua, which is totally false. On the contrary, there is sufficient evidence that Nicaragua is the offended party.



THE TRUTHS THAT COSTA RICA HIDES

With the content of this document we seek to illustrate actions of bad faith and to demonstrate how the documents presented by Costa Rica are full of defects and nullities precisely to hide the truth.

We have no doubts that Nicaragua is backed by reason and truth because we are acting in strict compliance of the Political Constitution and laws, as well as the principles of International Law that we have always respected.

Costa Rica has ignored the boundary treaties and awards consigned in its Political Constitution, has violated the principles of International Law in environmental matters and, even more deplorable, its claims originate from and are based on people who have been fully identified as active agents of international drug trafficking.

Nicaragua has systematically fostered a bilateral dialogue and that the solution to the demarcation of the boundary according to the treaties and awards passes through the persistent position of the Nicaraguan nation and the recent statements of the President of the Republic, Commander Daniel Ortega Saavedra, to proceed to the marking of the boundary, which process is rejected by Costa Rica.

Nicaragua always acquiesces and ratifies that disputes arising between sister nations can be settled through peaceful means and that when boundary disputes are involved, they must be brought before the International Court of Justice.

Nicaragua has been prudent and has acted in a responsible and constructive manner. It was Costa Rica that deployed troops, air and navy means, and special forces equipped with military weapons.

The declaration of a Costa Rica without armed forces is past history. This country budgets 240 million dollars for its armed forces, which is five times greater than the budget allocated by Nicaragua.

The cleaning of the San Juan river is a sovereign right of Nicaragua, which will continue with the intention of recovering the volume that enables full navigability and contributes to the management of river basins of strategic water resources.

No environmental damages are being caused. Nicaragua's leadership in this area is so deep-rooted that it is beyond questioning.

SAN JUAN DE NICARAGUA RIVER



In Nicaragua we take care of the environment in conformity with the constitutional mandate that provides: "Nicaraguans have the right to live in a healthy environment and it is the obligation of the State to preserve, conserve and reclaim the environment and natural resources of the country".

Consequent with our Magna Carta, Nicaragua has 76 protected areas, 3 biosphere reserves and the support and recognition of environmentalist organizations and the same International Court of Justice.

Contrary to the foregoing paragraph, Costa Rica has cut down trees in its northern zone, contaminated rivers, destroyed tropical forests and wetlands, authorizing open-sky mining operations, spilling chemicals, cyanide and agrochemicals into the San Juan River, attempting to channelize the water of Lake Nicaragua to other projects of a commercial nature, and depriving its own citizens of this vital liquid.

The reports on presumed incursions of the Nicaraguan Army and violation Costa Rica's sovereignty, accompanied by a disproportionate deployment of armed forces by Costa Rica, are nothing more than a coarse manipulation that seeks to influence national and international opinion to justify and strengthen the objective of its strategy, which is the suspension of the cleaning work that Nicaragua is carrying out in the San Juan River since October 18, 2010, all in conformity with the sovereign rights of Nicaragua, ratified in the judgment of the International Court of Justice of July 13, 2009.

THE TRUTHS THAT COSTA RICA HIDES



The Council of the Powers of State and constitutional institutions of the Republic of Nicaragua have the hope that Costa Rica will think it over and that this exaltation of spirits that is being fueled against Nicaragua do not result in hostilities and discriminatory and xenophobic attitudes towards the hundreds of thousands of Nicaraguans that give their work and talent for the benefit of Costa Rica.

Nicaragua and Costa Rica are sister nations not only by vicinity, but by the mixed blood of their populations.

[Signature]
PODER EJECUTIVO

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PODER LEGISLATIVO

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PODER JUDICIAL

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PODER ELECTORAL

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FISCALIA GENERAL DE LA REPUBLICA

[Signature]
CONTRALORIA GENERAL DE LA REPUBLICA

[Signature]
TESTIGO DE HONOR: CARDENAL MIGUEL OBANDO Y BRAVO

SAN JUAN DE NICARAGUA RIVER

THE CONTROVERSY

The truth that Costa Rica hides is that its Public Forces, Judicial Investigation and Public Ministry authorities knew from Nicaraguan authorities that from October 1 to October 5 the Army of Nicaragua carried out an operation against drug trafficking in Nicaraguan territory in localities of the municipality of San Juan de Nicaragua along the border with the Republic of Costa Rica.

Costa Rica was informed about the disarticulation of an international drug trafficking cell that operated in Nicaraguan territory and from Costa Rica, as well as the dismantling of an operational base in the Municipality of San Juan de Nicaragua, in which weapons, naval means and sufficient evidence on areas destined for drug concealment were recovered and six Honduran drug traffickers were arrested.

Costa Rican authorities were informed that as a result of these operations, Nicaraguan criminals who form part of this criminal network entered Costa Rican territory to flee from justice in our country, for which reason they were being alerted so that they took the necessary measures to detain these Nicaraguan drug traffickers whose surname is Reyes Reyes and Reyes Aragón.



THE TRUTHS THAT COSTA RICA HIDES

On October 18, Nicaragua commenced in its territory the work to clean the San Juan River with the "Sovereignty" dredge, which motivated Costa Rica to manipulate information on a presumed incursion by forces of the Nicaraguan Army to its territory, which is totally false.

In this sense, it is worth to mention that on October 21st, three days after the work to clean the San Juan River began, Costa Rica issued a press release in which the Ministry of Foreign Affairs and Worship and the Ministry of Public Forces base their official complaint on the versions given by the drug traffickers Reyes Reyes and Reyes Aragon pursued by Nicaraguan justice.

- **Nicaragua has not invaded Costa Rican territory.**
- **There have been no injuries or deaths. There has been no armed confrontation. The tranquility of the residents has not been altered.**
- **Nicaragua has never severed territory from Costa Rica.**
- **It has been Costa Rica that has severed our national territory.**
- **Historically, Costa Rica has always sought spaces of the national territory, including its strategic resources.**
- **Costa Rica's true strategic goal is to have direct access to the Lake of Nicaragua and San Juan River.**
- **Costa Rica's falsehoods are not something of today, they have always existed.**

 SAN JUAN DE NICARAGUA RIVER

COSTA RICA SAYS THAT NICARAGUA INVADED ITS TERRITORY MILITARILY

FALSE!

NICARAGUA HAS NEVER INVADED NOR WILL INVADE COSTA RICAN TERRITORY



The Army of Nicaragua has always exercised full sovereignty, surveillance and operations to fight drug trafficking and organized crime in the south border. This includes the municipality of San Juan de Nicaragua on the border with Costa Rica.

Costa Rica has maintained a systematic campaign against the exercise of sovereignty in the waters of the San Juan River and Nicaraguan border territory, particularly against the presence of the Nicaraguan Army forces that protect these zones.



Costa Rica has never patrolled the adjacent border zone of the municipality of San Juan de Nicaragua, nor has made any captures or taken any actions against international drug trafficking.

The complaints of Costa Rica on the presence of Nicaraguan authorities in the zone of Harbor Head occurred after Nicaragua announced the beginning of the work to clean and improve the San Juan River.

COSTA RICA MOBILIZED A LARGE MILITARY CONTINGENT TO THE BORDER WITH NICARAGUA ON OCTOBER 22, 2010.

The disproportionate lie about the invasion is nothing more than a manipulation to hide its interest to suspend the work to clean the San Juan River.

THE TRUTHS THAT COSTA RICA HIDES

IT IS COSTA RICA THAT HAS DEPLOYED ITS ARMED FORCES, BEARING MILITARY EQUIPMENT AND COMBAT GEAR, TO THE BORDER ZONES WITH NICARAGUA.



SAN JUAN DE NICARAGUA RIVER

IT IS COSTA RICA THAT HAS THREATENED NICARAGUA, STATING THAT: "THESE GENTLEMEN WILL WITHDRAW BY REASON OR BY FORCE."

The true reason behind the complaint of Costa Rica is to try to prevent Nicaragua from recovering the volume and use of the San Juan River.

Warmongering language does not fit in these times. Nicaragua is giving examples of dialogue to overcome disputes in a constructive manner.

LA NACION

The Security Minister expressed strong criticism against the Nicaraguan government

MONSERRATH VARGAS LOPEZ movargas@nacion.com 02:43 P.M. 11/02/2010

San Jose (Editorial). The Security Minister, Jose Maria Tijerino, stated this morning in ADN News that he trusts in the collaboration of international organizations to solve the military presence in the north border of the country.

"These gentlemen will withdraw by reason or by force. We are supported by international law, by the mechanisms that international law has available, including the use of force".



THE TRUTHS THAT COSTA RICA HIDES

CONTRARY TO COSTA RICA, NICARAGUA ACTS WITH MATURITY AND PRUDENCE

On October 13, 2010, two officials of Costa Rica's Judicial Investigation Organization were detained after illegally entering Nicaraguan territory with weapons, vehicle and official identification.



SAN JUAN DE NICARAGUA RIVER

A GESTURE OF GOOD WILL OF NICARAGUA

On October 14, 2010, the Government of Nicaragua, in a gesture of good will, turned over to Mr. Hamilton Henríquez Reyes, Head of Immigration in Los Chiles, Costa Rica, Costa Rican citizens Ivan Antonio Zamora Mejia and Jhoyer Herrera Lopez, both identified as officials of Costa Rica's Judicial Investigation Office, who were carrying their weapons and moving in a Costa Rican vehicle in Nicaraguan territory after illegally entering, according to their statements, to carry out investigations and surveillance.



DIRECCION GENERAL DE MIGRACION Y EXTRANJERIA
Delegación San Carlos, Rio San Juan.

***Partes de viaje personales de Jhoyer Herrera Lopez:**
 Billete con \$2,000 Colones Carnet OI No. 1413
 Pasaje OI No. 1413 Cédula de identidad
 Licencia de conducir Celular Marca Nokia
 Portación de Arma

Se más que viajar me suscribo

Abastamiento

Entiendo y Confirmando

DIRECCION GENERAL DE MIGRACION Y EXTRANJERIA
DELEGACION SAN CARLOS
 100520324

Hamilton Henríquez Reyes
 Jefe Migración Los Chiles,
 República de Costa Rica

El recibí en gran estado de salud, a los señores Jhoyer Herrera Lopez y Ivan Antonio Zamora Mejia el día 13 de octubre del 2010.

PODRR

DIRECCION GENERAL DE MIGRACION Y EXTRANJERIA
Delegación San Carlos, Rio San Juan.

San Carlos Rio San Juan,
 Jueves 14 Octubre 2010.

Dr. Hamilton Henríquez Reyes
 Jefe de Migración y Extranjería
 Los Chiles Costa Rica.
 Su OICSA

Estimado Sr. Henríquez:

Por medio de, presente le estoy remitiendo en calidad de Razono Administrativo a dos (2) ciudadanos de nacionalidad Costarricense, en perfecto estado físico y mental, así que ingreso de forma legal al nuestro país por el Puesto Fronterizo no habilitado de El Corral, Costa Rica, Municipio de San Carlos, Departamento de Rio San Juan el día Miércoles 13 de Octubre del 2010 a las 11 y 40 minutos de la mañana.

A continuación detallo sus datos:

- 1.- Ivan Antonio Zamora Mejia - C.I. 204660989. Costarricense
- 2.- Jhoyer Herrera Lopez - C.I. 603650689. Costarricense

* De igual manera le estamos haciendo entrega formal de las siguientes pertenencias de los ciudadanos:

- 1.- Una Maleta Marca Sig Pro. Serie No. SPO160357 Calibre 9 mm Fabricación USA
- 2.- Una Maleta Marca Sig Pro Serie No. 0064315 Calibre 9 mm Fabricación Alemana
- 3.- Tres Cargadores de Pistolas (2 con 15 Cartuchos y 1 con 4 Cartuchos.)

***Partes de viaje personales de Ivan Antonio Zamora Mejia:**
 Billete con \$9,000 Colones Cédula de identidad
 Celular Marca Nokia Portación de Arma
 Celular Marca CTE Carnet de OI No. 677

PODRR

THE TRUTHS THAT COSTA RICA HIDES

COSTA RICA SAYS THAT NICARAGUA INVADED AND ILLEGALLY OCCUPIES CALERO ISLAND **FALSE!**



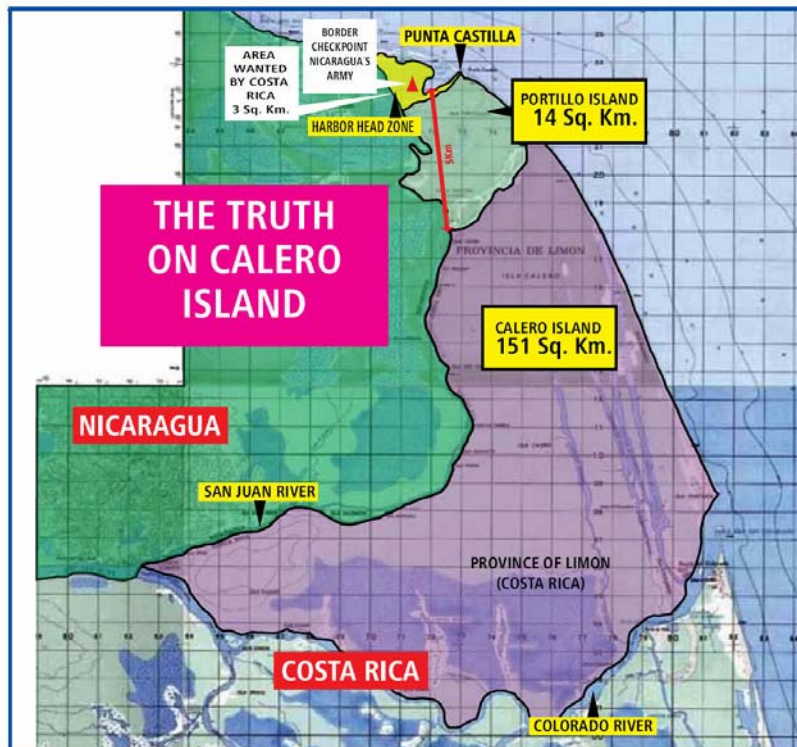
COSTA RICA'S CLAIM

"I asked specifically in Nicaragua about Calero Island, they told me that Calero Island is in Costa Rica and Nicaragua would never question that.

We are not referring to Calero island... we are referring precisely to that which is called Aragon farm... because this is a swamp; in the most common language it is called a swamp, but in reality, nowadays the word wetland is used..."

Jose Miguel Insulza,
Secretary General
of the OAS in the
Special Session of
the General Assem-
bly. 11/9/2010

THE ARMY OF NICARAGUA HAS CARRIED OUT ITS MILITARY ACTIONS IN THE ZONE OF HARBOR HEAD AND RIVER OF THE SAME NAME, A SOVEREIGN AND UNQUESTIONABLE TERRITORY OF NICARAGUA.



Calero Island is located between the margin of the Colorado and Taura rivers, in a southerly position, which Costa Rica calls Portillo Island, that is to say, distant from the permanent location of the Army of Nicaragua in the Harbor Head River in the locality of San Juan de Nicaragua.

SAN JUAN DE NICARAGUA RIVER

NICARAGUA DOES NOT DISPUTE COSTA RICA'S SOVEREIGNTY OVER CALERO ISLAND.

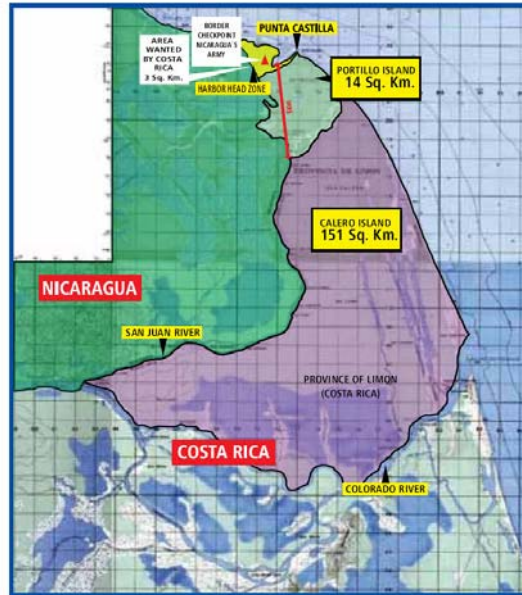
NICARAGUA HAS NEVER INVADED NOR WILL INVADE COSTA RICAN TERRITORY. ON THE CONTRARY, NICARAGUA HAS BEEN ATTACKED.

LA NACION

OAS team did not see any nicaraguan flag or army soldiers at Calero Island

ALVARO MURILLO AND CARLOS A. VILLALOBOS
alvaromurillo@nacion.com 11:51 A.M. 11/08/2010

San Jose (Editorial). The Secretary General of the OAS, Jose Miguel Insulza and his team, as well as officials from the Costa Rican Chancellery flew over Calero Island on the border with Nicaragua and did not observe the flag of that nation raised in Costa Rican territory or the presence of military forces of the Nicaraguan Army.



alDía

November 4, 2010

Police visits neighbors of Calero Island

Yesterday four coastguard boats were taking a census of farms in Calero Island and talking to the neighbors about the situation of security in the zone, while in the central command in South Colorado, police remains vigilant and on alert, but without startles.

The inhabitants said that it is a calm zone and the main problems are drug trafficking, the absence of immigration authorities and theft of cattle and pigs.

THE TRUTHS THAT COSTA RICA HIDES

COSTA RICA HAS NEVER MAINTAINED A MILITARY PRESENCE IN THIS ZONE

Three members of Costa Rica's public force are located in Barra Colorado, about 24 kilometers from the bordering Harbor Head River.



Population of Barra Colorado complains about the lack of policemen

CARLOS HERNANDEZ P. CORRESPONDENT GN
09:18 A.M. 10/24/2010

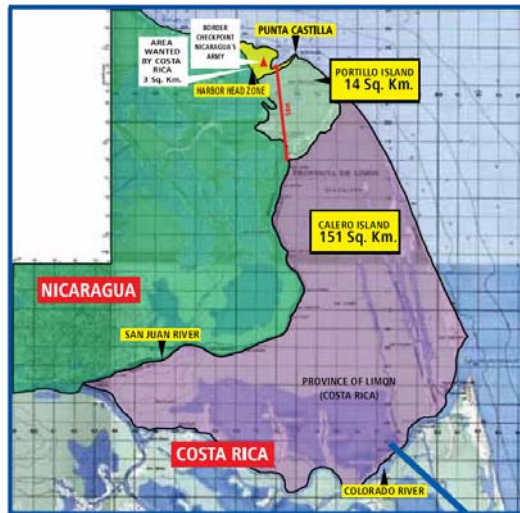
Barra del Colorado (Pococi). Within the frame of an unusual police presence yesterday, the inhabitants of this Limon locality in the border with Nicaragua complained again about the regular lack of public forces.

One of the most upset is hotelkeeper Guillermo Cunningham, who said that in terms of security they have been "always forgotten".

The complaint is not uncalled for because Barra del Colorado in Pococi has three permanent police officers that occupy an improvised facility near the landing field and must watch over an extensive mountainous area and channels that, according to reiterated reports, are used by drug trafficking groups to transship narcotics.

"Here we live alone, like ships without a captain. Many people come here and we don't know who they are and they disappear as mysteriously as they come", stated Cunningham.

The businessman said that to a certain extent Eden Pastora Gomez, who is directing the dredging of the San Juan River, is right when he says that: "This is no-man's land" because nobody has a property title. In addition, they have been asking the State for many years to define this situation and the only thing they have obtained are promises that they will be taken care of.



Reacción de poble

'En seguridad se olvidaron'

NOMBRE: GUILLERMO CUNNINGHAM
OCUPACIÓN: EMPRESARIO
LUGAR: BARRA DEL COLORADO

"La presencia de la Fuerza Pública nos pone contentos porque en materia de seguridad hemos estado abandonados toda la vida. Por lo general solo hay tres efectivos en el puesto".

La Policía no hizo sobrevuelos al área, motivada principalmente

3 COSTA RICA POLICE OFFICERS

THE TRUTHS THAT COSTA RICA HIDES

COSTA RICA SAYS THAT WE DO NOT HAVE THE RIGHT TO NAVIGATE OVER THE COLORADO RIVER **FALSE!**

Nicaragua has the right to dredge and make improvements in the San Juan River and to recover its original natural condition.

As long as the river is not navigable as it was in 1858, Nicaragua has the right to use the branch of the Colorado River.

The San Juan River is a totally Nicaraguan river and in its main branch - at least the main branch at the time of the Treaty of 1858 and the Cleveland Award of 1888 and the Alexander Award of 1897 before the waters were diverted by Costa Rica - also flows out in Nicaragua. However, the normal and traditional mouth of the San Juan River in Nicaraguan territory is not navigable at the present time and the only navigable branch of the San Juan River is the Colorado River located in Costa Rican territory. Nicaragua cannot navigate through the mouth of the San Juan River at all times. Only the branch of the Colorado River provides these navigation



Colorado River

THE TRUTHS THAT COSTA RICA HIDES

WHAT COSTA RICA DID NOT REPORT AND NOW DEMANDS NICARAGUA TO REPORT

**THEY DREDGED THE COLORADO RIVER
AND BUILT THE TORTUGUERO CANAL,
DIVERTING THE WATERS OF THE SAN JUAN
DE NICARAGUA RIVER WITHOUT REQUESTING
PERMISSION**

BY NICOLAS LOPEZ MALTEZ,
Director of La Estrella de Nicaragua,
nicolas@estrelladenicaragua.com.

If Nicaragua dredges and cleans the bank of silt and sand that obstructs navigation in the San Juan River, the interests of Costa Rica will be harmed of course like the interests of Nicaragua were harmed in the middle of the nineteenth century when the strong winters of those years accumulated silt, sand and other sediments in the last 40 kilometers of the course of the San Juan River.

This facilitated the diversion of the waters of the San Juan de Nicaragua River towards Costa Rica's Colorado River, reducing the volume of the San Juan River, which in 1855 continued to empty into the Caribbean Sea in front of the port of San Juan del Norte. With the dredging of the Colorado River by Costa Rica, it would seem that the course of water of the San Juan River originates in Nicaragua and continues in Costa Rica.



It took Costa Rica seven years to dredge the Colorado River, from 1948 to 1955, without notifying or requesting permission from Nicaragua or making a study on the damage being caused to the San Juan River and to Nicaragua.

SAN JUAN DE NICARAGUA RIVER

THE CONFLICT GENERATED BY COSTA RICA'S LONG-STANDING

On page five of Costa Rica's Official Gazette No. 211 of Tuesday, November 7, 1995, the justification and decree of the Legislative Assembly (File No. 12387) consider among other aspects the following:

"...As regards the north border with Nicaragua, there is no joint border development agreement, only agreements on the protection of forest areas and migration control. In a recent boundary marking operation agreed by the Geographic Institute, based on the Alexander acts and the recognition of the Ministry of Foreign Affairs, a factual situation arose according to which for many years properties that have been registered in the Costa Rican Public Registry now appear in Nicaraguan territory. These lands could be lost."

The neighbors of this zone have alleged before the United Nations that they do not belong to Costa Rica or to Nicaragua. and they have identified themselves as the Independent Republic of "Airrecú".

nación.com

San José, Costa Rica
Lunes 15 de marzo, 1999
Carlos Hernández
Corresponsal de La Nación

Límites confusos

Este nuevo lio fronterizo revive las dificultades entre ticos y nicas originadas, en opinión de los afectados, en un trazado poco claro de los límites que dividen a las dos naciones.

En marzo de 1994, como consecuencia de una nueva demarcación entre los mojones 12 y 13 llevada a cabo por el Instituto Nicaragüense de Estudios Territoriales y su similar de Costa Rica, nuestro país perdió 213 kilómetros cuadrados de territorio pues fincas que siempre pertenecieron a agricultores de Jomusa, México, San Antonio, San Isidro y Las Delicias de Upala, quedaron en el lado nicaragüense.

nación.com

San José, Costa Rica, Jueves 20 de enero, 2000
Carlos Hernández, Corresponsal de La Nación

Persiste confusión

Vecinos y regidores de Upala afirmaron que la redemarcación de la frontera llevada a cabo en 1994 por el Instituto Geográfico de Costa Rica y su similar de Nicaragua, el Instituto Nacional de Estudios Territoriales (Ineter), aumentó la confusión que históricamente ha existido en torno al trazado de la línea divisoria.

"Seguimos creyendo que esa acción solo benefició a Nicaragua, que se ganó 213 km cuadrados de territorio que siempre pertenecieron a agricultores nuestros, establecidos en pequeñas comunidades como Jomusa, Méjico, San Antonio y San Isidro de Upala", manifestó Efraín López Cerna, representante de Jomusa ante la Municipalidad upaleña.

Elena Leda Araya, funcionaria del Departamento de Topografía del Instituto Geográfico de Costa Rica, aseveró ayer que desde el año pasado está paralizada la colocación de más mojones para demarcar mejor la frontera, la cual se debe realizar juntamente con el Ineter.

SAN JUAN DE NICARAGUA RIVER

WHAT THE ALEXANDER AWARD SAYS

General Alexander's first award, dated September 30, 1897, indicated the starting point of the demarcation, identifying what seemed to him the extremity of Punta de Castilla:

"...I declare the initial line of the boundary to run as follows, to wit: Its direction shall be due northeast and southwest, across the bank of sand, from the Caribbean Sea into the waters of Harbor Head Lagoon. It shall pass, at its nearest point, 300 feet on the northwest side from the small hut now standing in that vicinity. On reaching the waters of Harbor Head Lagoon the boundary line shall turn to the left, or southeastward, and shall follow the water's edge around the harbor until it reaches the river proper by the first channel met. Up this channel, and up the river proper, the line shall continue to ascend as directed in the treaty."

This Award was limited to indicating that on reaching the waters of Harbor Head, the boundary line would turn to the left, or southeastward, and would follow the water's edge around the harbor until it reached the river proper by the first channel met and would then continue following the course of the river upstream.

The Commissions of Limits of Nicaragua and Costa Rica accepted the Award and incorporated the provisions in Minutes XXVII.



THE TRUTHS THAT COSTA RICA HIDES

COSTA RICA SAYS IT IS RESPECTFUL OF TREATIES AND AWARDS ON THE LIMITS WITH NICARAGUA. WHY HAS IT REFUSED TO MARK THE BOUNDARY?

DISTRIBUCIÓN DE MOJONES AUXILIARES ENTRE HITOS PRINCIPALES		TRAMOS ENTRE HITOS PRINCIPALES																		
AÑO DE INSTALACION	TOTAL INSTALADOS	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
		al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al
1994	17	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
TOTALES	17											17								

DISTRIBUCIÓN DE MOJONES AUXILIARES ENTRE HITOS PRINCIPALES		TRAMOS ENTRE HITOS PRINCIPALES																		
AÑO DE INSTALACION	TOTAL INSTALADOS	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	
		al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al	al
1996	10																	4	4	2
1998	16																8	4	4	
2000	13						4	3	2	4										
2001	30	1	2	6	6									4	11					
2002	10						3	1		4	2									
2003	25		1	3	2	1	4	1	4	2			1	2		3	1			
2004	15												9	6						
TOTALES	119	1	3	9	8	1	11	5	6	10	2	0	10	12	11	11	9	8	2	



Hitos De - A	Distancia en kilómetros	Hitos De - A	Distancia en kilómetros
1- 2	138.0 "	11-12	2.0
2- 3	2.7	12-13	29.6
3- 4	2.6	13-14	37.1
4- 5	3.1	14-15	15.8
5- 6	3.4	15-16	7.3
6- 7	5.9	16-17	11.5
7- 8	9.3	17-18	6.3
8- 9	2.3	18-19	5.5
9- 10	3.7	19-20	17.9
10-11	7.6		
Continúa....			Total 311.6 kilómetros

* A lo largo de la margen derecha del río.

DECLARACIÓN BINACIONAL NICARAGUA – COSTA RICA

Signed at San Jose, Costa Rica, on October 3, 2008, by Nicaragua’s Deputy Minister Valdrack Jaentschke of Nicaragua and Costa Rica’s Deputy Minister Edgard Ugalde.

As the first actions derived from the letter of intent, both institutes agree to exchange, within the fourth quarter of 2008, all information required that allows to initiate the homologation processes of the geodesic coordinates of the landmarks of the terrestrial borders between both countries, with a view to the ratification of the marker densification process jointly carried out to date, as well as the beginning of coordinated preparatory activities conducive to the creation of compatible basic cartographies in the border zone of both countries”, which process did not continue as Costa Rica has refused to sign the minutes on the marking of boundaries with any reasonable justification.

Annex 31

Screen shot of archived website of INETER, available at:

<http://web.archive.org/web/20071015035824/http://www.ineter.gob.ni/Direcciones/Geodesia/SeccionMapas/Indice1.htm>

15 October 2007

Índice de Mapas Catastrales 1:50 000 - Windows Internet Explorer

http://web.archive.org/web/20071015035824/http://www.ineter.gob.ni/Direcciones/Geodesia/SeccionMapas/Indice1.html

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Internet Archive Wayback Machine <http://www.ineter.gob.ni/Direcciones/Geodesia/SeccionMapas/Indice1.html> Go

28 captures 6 abr 06 - 8 feb 09

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2006 15 2007 2008 Help ?

NICARAGUA
ÍNDICE DE MAPAS TOPOGRÁFICOS
ESCALA 1.50.000

HONDURAS

OCEANO PACIFICO

COSTA RICA

Managua

León

INETER

http://web.archive.org/web/20071015035824/http://www.ineter.gob.ni/Direcciones/Geodesia/SeccionMapas/Indice50k%20Detalles.htm

Inicio Índice de Mapas Cata... Índice 50k Detalles... Microsoft Office ...

Internet 150% ES 12:19 p.m.

Annex 32

Screen shot of archived website of INETER

Available at:

<http://web.archive.org/web/20090412122227/http://www.ineter.gob.ni/caracterizaciongeografica/capitulo4.html>

12 April 2009

NICARAGUAN INSTITUTE OF TERRITORIAL STUDIES (INETER)

Managua, Nicaragua

GEOGRAPHIC CHARACTERIZATION OF THE NATIONAL TERRITORY

IV. BORDER WITH COSTA RICA

The land border that separates the Republics of Nicaragua and Costa Rica extends from the extremity of Punta de Castilla at the mouth of the San Juan River in the Caribbean Sea until the Pacific Ocean, at a point in the northeast of the Bay of Salinas, through the Bay, and ending at the centre of the Bay's closing line between Arranca Barba Point in Nicaragua and westernmost part of the land next to Punta Zacate in Costa Rica. The demarcation of this border was based on the Jerez-Cañas Treaty, signed in 1858, the Arbitral Award of the President of the United States of America Mr. Grover Cleveland of 1888, the Matus-Pacheco Convention of 1896 y the Awards of General EP. Alexander from 1897 to 1900, Engineer Arbitrator designated by President Cleveland in accordance with Article III of the Matus-Pacheco Convention.

The land border with Costa Rica begins at the extremity of Punta de Castilla at the mouth of the San Juan River in the Caribbean Sea. From this point the line continues on the right bank of Harbor Head Lagoon, up the channel that is parallel to the Caribbean coast, reaching the mouth of the Rio San Juan. The dividing line continues along the right margin of the San Juan River, following its circumvolutions up to the point with is three miles from the fort of El Castillo de la Concepción following an approximate distance of 138 kilometres...

INTERNET ARCHIVE
Wayback Machine

http://www.ineter.gov.ni/caracterizaciongeografica/capitulo4.html Go DIC ABR MAY Close X

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INSTITUTO NICARAGÜENSE DE ESTUDIOS TERRITORIALES (INETER)
Managua, Nicaragua

CONTRIBUYENDO AL DESARROLLO SOCIOECONÓMICO Y A LA PREVENCIÓN DE LOS DESASTRES NATURALES

Usted está en Inicio > Caracterización Geog... > Frontera con Costa Rica

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CARACTERIZACIÓN GEOGRÁFICA DEL TERRITORIO NACIONAL

IV. FRONTERA CON COSTA RICA

La frontera terrestre que separa a las Repúblicas de Nicaragua y Costa Rica se extiende desde la extremidad de Punta de Castilla en la desembocadura del Río San Juan en el Mar Caribe hasta el Océano Pacífico, en un punto de la costa noreste de la bahía de Salinas, la bahía de por medio, y luego finalizando en el centro de la línea de cierre de la bahía entre Punta Arranca Barba en Nicaragua y la parte más occidental de la tierra inmediata a Punta Zacate en Costa Rica. La demarcación de esta frontera se fundamentó en el Tratado Jerez-Cañías suscrito en 1858, el Laudo arbitral del Presidente de los Estados Unidos de América Señor Grover Cleveland de 1888, la Convención Matus-Pacheco de 1896 y los Laudos del General E. P. Alexander de 1897 a 1900, ingeniero árbitro designado por el Presidente Cleveland en correspondencia con el Artículo III de la Convención Matus-Pacheco.

La frontera terrestre con Costa Rica se inicia en la extremidad de Punta de Castilla en la desembocadura del Río San Juan en el Mar Caribe. Desde este punto la línea divisoria continúa sobre la margen derecha de la laguna Harbor Head, subiendo por el caño que está paralelo a la costa del Mar Caribe, hasta llegar a la desembocadura del Río San Juan. La línea divisoria continúa sobre la margen derecha del Río San Juan, siguiendo sus circunvoluciones hasta el punto que dista tres millas del centro de la fortificación de El Castillo de la Concepción recorriendo una distancia aproximada de 138 kilómetros.

Desde este último punto hasta la costa noreste de la bahía de Salinas, la frontera se desliza de manera general en dirección oeste y está formada por segmentos de rectas unidas sucesivamente formando un polígono abierto trazado de conformidad con lo estipulado en la Convención Matus-Pacheco y el Laudo Arbitral del Presidente de los Estados Unidos de América, Grover Cleveland. Dicho polígono se dispone de forma paralela al Río San Juan y a la costa sur del Lago de Nicaragua a unas dos millas hasta llegar a la margen izquierda del río Sapoa siempre a unas dos millas de la costa lacustre. Continúa sobre una recta en dirección a la bahía de Salinas hasta la costa noreste de ésta, alcanzando desde el punto inicial una longitud de 173.6 kilómetros, luego la bahía de Salinas de por medio, el punto que separa ambas repúblicas en el Océano Pacífico es el punto medio de la línea de cierre de la bahía entre Punta Arranca Barba en Nicaragua y la parte más occidental de la tierra inmediata a Punta Zacate en Costa Rica.

Desde Punta de Castilla en la desembocadura del Río San Juan hasta un punto distante tres millas inglesas de El Castillo Viejo, la línea divisoria es la margen derecha del Río San Juan.

Es importante destacar que Nicaragua tiene exclusivamente el dominio y sumo imperio sobre las aguas del Río San Juan, desde su salida del lago hasta su desembocadura en el Atlántico (Arto. 6 Tratado Jerez-Cañías)

La frontera marítima entre ambas países es esta delimitada por esta frontera, en el 2007 se comienza los trabajos de la Sub Comisión

Internet 125%

Annex 33

Screen shot of INETER website
4 January 2011



INETER
Instituto Nicaragüense de Estudios Territoriales



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OMM visita INETER
Misión de la OMM visita a INETER para presentar Propuesta de Proyecto para el desarrollo de INETER. Una misión de la



Estimados Usuarios en estos momentos nuestra pagina web esta en construcción por lo que pedimos disculpas y agradecemos su comprensión

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LA INSTITUCIÓN

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- Marco Legal
- Organigrama
- Nómina Salarial
- Directorio Telefónico
- Preguntas Frecuentes
- Contactenos

HORA OFICIAL

HORA OFICIAL
04 de Enero del 2011
04:42:38 pm

Annex 34

Screen shot of INETER website, available at: <http://ineter.gob.ni/>

14 November 2011

Instituto Nicaragüense de Estudios Territoriales - Ineter - Windows Internet Explorer

http://ineter.gob.ni

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Página Seguridad Herramientas

Harbor Head

Mapas Actualizados

Mapa del Departamento de Río San Juan


Escala 1:250,000



Descargar en Alta Resolución
Versión PDF

Mapa de la División Política Administrativa editado en 2011


Escala 1:750,000



Descargar en Alta Resolución
Versión PDF

Mapa Topográfico


Escala 1:50,000



Descargar en Alta Resolución
Versión PDF

Mapa Topográfico

Escala 1:250,000



Descargar en Alta Resolución
Versión PDF

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- Marco Legal
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14 de Noviembre del 2011

11:51:14 am


Orto y Ocaso



Gobierno de Reconciliación y Unidad Nacional

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Frente a Hospital Solidaridad. Apdo. Postal 2110 Managua, Nicaragua.



Inicio Instituto Nicara... Cartografía ofic... Semi final noaccesoINETE... Microsoft Of... Screen shot pa... ES 11:51 a.m.

Annex 35

Web Site of the Sandinista Youth organization

www.juventudsandinista.blogia.com/acercade/. See also:

<http://juventudsandinista.blogia.com/2011/051001-nos-sentimos-muy-orgullosos-deltrabajo-de-la-juventud-sandinista.php>

Website of the Sandinista Youth organization:

Available at: <http://juventudsandinista.blogia.com/2011/051001-nos-sentimos-muy-orgullosos-del-trabajo-de-la-juventud-sandinista.php>

“We are very proud of the work of the Sandinista Youth”

(Excerpts)

(...)

“The comrade Rosario Murillo, Coordinator of the Communication and Citizenship Council, said that ‘we are very proud of the work that is being done by the Sandinista Youth July 19 (...) Movimiento Guardabarranco in defense of our environment, of the boys and girls who are right now on the San Juan River ... from this virtual stadium we send them a hug.’ “

(...)

Nos sentimos muy orgullosos del trabajo de la Juventud Sandinista | JUVENTUD SANDINISTA - Windows Internet Explorer

http://juventudsandinista.blogia.com/2011/051001-nos-sentimos-muy-orgullosos-del-trabajo-de-la-juventud-sandinista.php

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Favoritos

Nos sentimos muy orgullosos del trabajo de la Juvent...

Blogia

Crean un blog - Adm

JUVENTUD SANDINISTA

Estamos en el camino, después del primer paso, no pararemos de andar jamás.

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10
05/2011

Nos sentimos muy orgullosos del trabajo de la Juventud Sandinista

por Carlos Daniel Sequera en ORGANIZACION

La compañera Rosario Murillo, Coordinadora del Consejo de Comunicación y Ciudadanía, afirmó que "nos sentimos muy orgullosos de este trabajo que está haciendo la Juventud Sandinista 19 de Julio, en promoción del deporte; nos sentimos orgullosos de todos los Programas de Trabajo de la Juventud, de todos los Movimientos, el Movimiento Cultural, el Movimiento Guardabarranco en defensa de nuestro Medio Ambiente, de los muchachos y muchachas que están en estos momentos en el Río San Juan... desde este Estado Virtual les mandamos un fuerte abrazo".



En declaraciones durante su visita el sábado al Estadio Virtual, ubicado en Managua, Rosario dijo que "la Juventud está en todos los frentes, desarrollando las tareas que corresponden a una Juventud comprometida con el Bienestar de la población, comprometida con el Bienestar presente y la Prosperidad futura, la Felicidad que tenemos que crear juntos, juntas, todas las familias nicaraguenses".

Reconoció a las muchachas y muchachos que trabajan todos los días para crear y después desarrollar eventos como este. "Yo, verdaderamente, de boxeo no sé nada, tengo que confesar mi ignorancia, pero me admira la capacidad de los muchachos, de pensar cómo podemos crear eventos que aseguren recreación sana a la juventud, a las familias nicaraguenses. Esa es la preocupación, tanto del Movimiento Leonel Rugama como del Movimiento Alexis Argüello, en este caso", precisó.

Rosario felicitó a los organizadores del evento y a los "medios del Poder Ciudadano, Multi-noticias Canal 4, la Radio Ya, el Canal 91, que pronto lo vamos a ver también, que está trabajado por jóvenes, todos estos son esfuerzos que los adultos tenemos que apoyar, respaldar, felicitar, y saludar".

"Tienen derecho a la recreación sana. Es lo que el Presidente-Comandante Daniel contribuye a asegurar, y es lo que este Gobierno quiere", agregó Rosario.

"Y también para las madres es una tranquilidad, en este Mes de las Madres, el que sigamos, que siga la Juventud, con respaldo de su Gobierno, con respaldo de su Alcaldía, favoreciendo la realización de estos eventos, que representan recreación sana para la Juventud y para las familias; y el que se sigan desarrollando todos los Movimientos de Juventud Sandinista que, cada uno en su espacio, también representa un aporte a la Comunidad, a la Familia, y a la Prosperidad en nuestra Nicaragua Libre", aseveró.

En otro momento de sus declaraciones, Rosario dijo que "creo que la Juventud de Nicaragua está clara que con el Frente Sandinista es que puede, de verdad, no sólo realizarse, sino desarrollarse. En estos eventos, no es tanto la parte material que si pagás o no pagás, aquí no se paga absolutamente nada, sino lo que aporta al desarrollo de oportunidades de recreación, lo que aporta también a que la Juventud se sienta protagonista".

"Nosotros no estamos aquí haciendo por los jóvenes, son los jóvenes los que están garantizando su presente, protagonizándolo, y protagonizando la Ruta hacia el futuro, la Ruta de Restitución de Derechos. La Juventud está recuperando su Derecho a ser Protagonista de la Historia, hoy, mañana, y Dios mediante, siempre", concluyó emocionada Rosario sus declaraciones.

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Annex 36

Screen shot of the website of the Ministry of Foreign Affairs of Nicaragua

www.cancilleria.gob.ni

14 November 2011

Managua, Nicaragua Miércoles, 12 de Octubre de 2011

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Libro Blanco

RÍO SAN JUAN DE NICARAGUA

LAS VERDADES QUE COSTA RICA OCULTA

Libro Blanco. Las verdades que Costa Rica Oculta, preparado por la Comisión Especial que designó nuestro Presidente para presentar el Caso de Nicaragua, ante la opinión pública e internacional

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Annex 37

Screen shot of MARENA's website

http://renea.sinia.net.ni/proyectos.php?departamento=85&cmb_categoria=I&fecha_inicial=01%2F01%2F2006&fecha_final=09%2F11%2F2011&opcion=2&txt_bu_scar=&cmb_ordenar=expediente



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Department: RIO SAN JUAN | Category: Category 1 | Period from: 01/01/2006 To: 10/11/2011

Filter by: All | No. of Records | Project Name

Value:

Sort by: Record

No. Records: 0

FILE	PROJECT	YEAR	ACTIVITY	STATE
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No data available for this category ...



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Filtrar por: Todos | Núm. de Expediente | Nombre del Proyecto

Valor:

Ordenar Por:

Núm. Registros: 0

EXPEDIENTE	PROYECTO	AÑO	ACTIVIDAD	ESTADO
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NO EXISTEN DATOS PARA ESTA CATEGORÍA...

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Screen shot of MARENA's website

http://renea.sinia.net.ni/proyectos.php?departamento=85&cmb_categoria=II&fecha_inicial=01%2F01%2F2006&fecha_final=09%2F11%2F2011&opcion=2&txt_buscar=&cmb_ordenar=expediente



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Department: | Category: | Period from: To:

Filter by: All | No. of Records | Project Name

Value:

Sort by:

Record No.: 3

FILE	PROJECT	YEAR	ACTIVITY	STATE
DGCA-P0010-0409	System Wastewater Treatment and Sewerage in Zones III and IV in the City of San Carlos, Rio San Juan	2009	Treatment systems for domestic wastewater flow generating more than 750 m ³ /day	Environmental Permit Preparation
DGCA-P0029-0309	Sub-project San Juan de Nicaragua Hibrido Solar-Diesel System	2009	Thermoelectric power generation at all levels of generation	Environmental Permit Preparation
DGCA-P0042-1209	Aerodromo Construction of San Juan de Nicaragua	2009	New buildings	Environmental Permit Preparation

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Filtrar por: Todos | Núm. de Expediente | Nombre del Proyecto

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Ordenar Por:

Núm. Registros: 3

EXPEDIENTE	PROYECTO	AÑO	ACTIVIDAD	ESTADO
DGCA-P0010-0409	Sistema de Tratamiento de Aguas Residuales y Alcantarillado Sanitario en las Zonas III y IV en la Ciudad de San Carlos, Río San Juan	2009	Sistemas de tratamiento de aguas residuales domésticas que generen un caudal superior a los 750 m3/día	Elaboración Permiso Ambiental
DGCA-P0029-0309	Sub-proyecto San Juan de Nicaragua Sistema Híbrido Solar-Diesel	2009	Generación de energía termoeléctrica de cualquier nivel de generación	Elaboración Permiso Ambiental
DGCA-P0042-1209	Construcción del Aerodromo de San Juan de Nicaragua	2009	Nuevas construcciones	Elaboración Permiso Ambiental

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Screen shot of MARENA's website

http://renea.sinia.net.ni/proyectos.php?departamento=85&cmb_categoria=III&fecha_inicial=01%2F01%2F2006&fecha_final=09%2F11%2F2011&opcion=2&txt_buscar=&cmb_ordenar=expediente


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 Department: [RIO SAN JUAN](#) | Category: [Category III](#) | Period from: [01/01/2006](#) To: [09/11/2011](#)

 Filter by: All | No. of Records | Project Name

 Value:

 Sort by: [Record](#)

Record No.: 40

FILE	PROJECT	YEAR	ACTIVITY	STATE
RSJ-A0001-0309	Transmission Tower Laurel Galán Celular	2009	Communication antennas	Preparation of Environmental Clearance
RSJ-A0001-0707	Green Cross SJ0019	2007	Communication antennas	Field Inspection
RSJ-A0001-0708	Building Telephony Transmission Tower	2008	Communication antennas	Preparation of Environmental Clearance
RSJ-A0002-0310	Bank Borrowing Material Mayasang	2010	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0002-0907	Adjustment to the Standard NTON 14-002-03 (INE) and NTON 05-004-01 (MARENA) White Flag Station The Triunfo	2007	Gas	Preparation of Environmental Clearance
RSJ-A0003-0110	Installation of two storage tanks of 3200 gallons diesel fuel in the central campus of Liansa	2010	Gas	Preparation of Environmental Clearance
RSJ-A0003-0208	Tower Building Celular Transmission - Los Chiles	2008	Communication antennas	Preparation of Environmental Clearance
RSJ-A0003-0609	Rehabilitation and Conditioning Berth at Finca San Pancho Fruit Company	2009	Maintenance dredging of waterways	Preparation of Environmental Clearance
RSJ-A0003-0907	MASAYANG SJ0015	2007	Communication antennas	Field Inspection
RSJ-A0004-0110	25km of road maintenance Santa Elena, Santa Maria Valley, Penjamo, and Papaturre pueblonuevo1	2010	New buildings	Preparation of Environmental Clearance
RSJ-A0004-0609	Use of Materials Resume banks Azucenas	2009	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0004-0708	Splice SJ0016 Black Bird	2008	Communication antennas	Preparation of Environmental Clearance
RSJ-A0004-0907	Laurel Galán SJ0020	2007	Communication antennas	Field Inspection
RSJ-A0005-0210	exploitation of new material bank philadelphia	2010	Exploitation of banks lending material and Projects	Field Inspection
RSJ-A0005-0709	Fuel Tank Installation	2009	Handling, processing and transportation of used oil	Preparation of Environmental Clearance
RSJ-A0005-0808	Construction of a galley for small livestock management	2008	Pig farms	Field Inspection
RSJ-A0005-0907	The Tamboral SJ0018	2007	Communication antennas	Field Inspection
RSJ-A0006-0210	Material Exploitation Bank of El Morro, Morrito	2010	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0006-0808	Eco Tourist Cabins Castle	2008	Ecotourism projects	Field Inspection
RSJ-A0006-0907	Potrero Los Sánchez SJ0017	2007	Communication antennas	Field Inspection
RSJ-A0006-1209	Bank of Material Use the Spring Farm	2009	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance

RSJ-A0007-0110	Exploitation of Jesus Maria Materials Bank 1 and 2	2010	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0007-0709	Removing material in Baco monkeys within the proposed improvement and rehabilitation San Carlos -The Lilies-Los Chiles	2009	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0008-0210	Development and Operations at the Bank of Material El Carmen, San Miguelito	2010	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0008-1009	Construction of Cellular tower site for	2009	Communication antennas	Preparation of Environmental Clearance
RSJ-A0008-1107	You perdistes Ecotourism Project in the Forest	2007	Ecotourism projects	Field Inspection
RSJ-A0009-0210	Exploitation of San Ramon Materials Bank (Junction Morrito to Morrito)	2010	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0009-0807	Dairy processing plant Jerusalem	2007	Dairy industry and its derivatives	Preparation of Environmental Clearance
RSJ-A0009-0809	Material Utilization Loan Bank of San Miguelito fitting stretch-San Miguelito, El Tule San Carlos (Coyol, Laurel Galan)	2009	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0010-0310	Material Exploitation of New Jerusalem Bank, Luis Cano and comfort	2010	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0010-0607	Construction of Building for Solid Waste and Installation of biomedical waste incinerator	2007	Hospitals	Preparation of Environmental Clearance
RSJ-A0010-1209	Harvesting and extraction of materials at the Bank, San Ramon, improvement and rehabilitation of the road at Junction Morrito Morrito	2009	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0011-0310	Material Exploitation Bank Monkeys, The Flower and The Triumph	2010	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance
RSJ-A0011-0607	Rehabilitation and Conditioning Berth at Finca San Pancho Fruit Company of San Juan SA	2007	Maintenance dredging of waterways	Preparation of Environmental Clearance
RSJ-A0012-1010	Construction of Cellular Tower, Buena Vista	2010	Communication antennas	Preparation of Environmental Clearance
RSJ-A0012-1207	Fernandez Auto Service	2007	Gas	Preparation of Environmental Clearance
RSJ-A0013-0510	Construction site Cell Phone Antenna, San Carlos	2010	Communication antennas	Preparation of Environmental Clearance
RSJ-A0014-0410	Construction of 50 houses in the Linda Vista San Carlos	2010	Urban development of twenty (20) and one hundred (100) houses	Preparation of Environmental Clearance
RSJ-A0015-0410	Construction of 50 houses in the Pilon, San Carlos	2010	Urban development of twenty (20) and one hundred (100) houses	Preparation of Environmental Clearance
RSJ-A0016-0810	Bank Material Exploitation Seven male Morrito	2010	Exploitation of banks lending material and Projects	Preparation of Environmental Clearance

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Valor:

Ordenar Por: Expediente

Núm. Registros: 40

EXPEDIENTE	PROYECTO	AÑO	ACTIVIDAD	ESTADO
RSJ-A0001-0309	Torre de Transmisión de Telefonía Celular Laurel Galán	2009	Antenas de comunicación	Elaboración de Autorización Ambiental
RSJ-A0001-0707	La Cruz Verde SJ0019	2007	Antenas de comunicación	Inspección de campo
RSJ-A0001-0708	Construcción de Torre de Transmisión de Telefonía	2008	Antenas de comunicación	Elaboración de Autorización Ambiental
RSJ-A0002-0310	Banco de Material de Préstamo El Mayasang	2010	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0002-0907	Adecuación a la Norma NTON 14-002-03 (INE) y NTON 05-004-01 (MARENA) de la Estación Bandera Blanca El Triunfo	2007	Gasolineras	Elaboración de Autorización Ambiental
RSJ-A0003-0110	Instalación de dos tanques de almacenamiento de combustible diesel de 3200 galones, en el plantel central de LLANSA	2010	Gasolineras	Elaboración de Autorización Ambiental
RSJ-A0003-0208	Construcción de Torre de Transmisión de Telefonía Celular - Los Chiles	2008	Antenas de comunicación	Elaboración de Autorización Ambiental
RSJ-A0003-0609	Rehabilitación y Acondicionamiento de Atracadero en la Finca San Pancho de la Empresa Frutales	2009	Dragados de mantenimiento de vías navegables	Elaboración de Autorización Ambiental
RSJ-A0003-0907	MASAYANG SJ0015	2007	Antenas de comunicación	Inspección de campo
RSJ-A0004-0110	mantenimiento 25km de caminos santa elena, santa maria, el valle, penjamo, pueblonuevo1 y papaturro	2010	Nuevas construcciones	Elaboración de Autorización Ambiental
RSJ-A0004-0609	Aprovechamiento de bancos de Materiales San Miguelito las Azucenas	2009	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0004-0708	Empalme Pájaro Negro SJ0016	2008	Antenas de comunicación	Elaboración de Autorización Ambiental
RSJ-A0004-0907	Laurel Galán SJ0020	2007	Antenas de comunicación	Inspección de campo
RSJ-A0005-0210	explotacion del banco de material filadelfia nueva	2010	Explotación de Bancos de material de préstamo y Proyectos	Inspección de campo
RSJ-A0005-0709	Instalacion de Tanque para Combustible	2009	Manipulación, procesamiento y transporte de aceites usados	Elaboración de Autorización Ambiental
RSJ-A0005-0808	Construcción de una galera para manejo de ganado menor	2008	Granjas porcinas	Inspección de campo
RSJ-A0005-0907	El Tamboral SJ0018	2007	Antenas de comunicación	Inspección de campo
RSJ-A0006-0210	Explotación del Banco de Material El Morro, Morrito	2010	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de

RSJ-A0006-0808	Cabinas Eco Turísticas El Castillo	2008	Proyectos eco turístico	Autorización Ambiental
RSJ-A0006-0907	Potrero Los Sánchez SJ0017	2007	Antenas de comunicación	Inspección de campo
RSJ-A0006-1209	Aprovechamiento Banco de Material finca el Manantial	2009	Explotación de Bancos de material de préstamo y Proyectos	Inspección de campo
RSJ-A0007-0110	Explotación de Banco de Materiales Jesús María 1 y 2	2010	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0007-0709	Extracción en el Baco de material los monos dentro del proyecto de mejoramiento y rehabilitación San Carlos- Las Azucenas-Los Chiles	2009	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0008-0210	Aprovechamiento y Explotación en el Banco de Material El Carmen, San Miguelito	2010	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0008-1009	Construcción de sitio para torre Telefonía Celular	2009	Antenas de comunicación	Elaboración de Autorización Ambiental
RSJ-A0008-1107	Proyecto Ecoturístico Te perdistes en la Selva	2007	Proyectos eco turístico	Inspección de campo
RSJ-A0009-0210	Explotación de Banco de Materiales San Ramón (Empalme Morrito a Morrito)	2010	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0009-0807	Planta procesadora de productos lacteos Jerusalén	2007	Industria láctea y sus derivados	Elaboración de Autorización Ambiental
RSJ-A0009-0809	Aprovechamiento Banco de Material De préstamo tramo empalme San Miguelito-San Miguelito, El Tule San Carlos (Coyol, Laurel Galan)	2009	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0010-0310	Explotación del banco de Materiales Nueva Jerusalem, Caño Luis y El Consuelo	2010	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0010-0607	Construcción de Caseta para Desechos sólidos e Instalación de Incinerador de desechos biomédicos	2007	Hospitales	Elaboración de Autorización Ambiental
RSJ-A0010-1209	Aprovechamiento y extracción en el Banco de materiales, San Ramón, Mejoramiento y rehabilitación de la carretera Empalme Morrito a Morrito	2009	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0011-0310	Explotación del Banco de materiales Los Monos, La flor y El Trífunfo	2010	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental
RSJ-A0011-0607	Rehabilitación y Acondicionamiento de Atracadero en la Finca San Pancho de la Empresa Frutales del San Juan S.A	2007	Dragados de mantenimiento de vías navegables	Elaboración de Autorización Ambiental
RSJ-A0012-1010	Construcción de Torre de Telefonía Celular, Buena Vista	2010	Antenas de comunicación	Elaboración de Autorización Ambiental
RSJ-A0012-1207	Auto Servicio Fernández	2007	Gasolineras	Elaboración de Autorización Ambiental
RSJ-A0013-0510	Construcción de sitio de Antena de Telefonía Celular, San Carlos	2010	Antenas de comunicación	Elaboración de Autorización Ambiental
RSJ-A0014-0410	Construcción de 50 Viviendas en el Barrio Linda Vista San Carlos	2010	Desarrollo urbano entre veinte (20) y cien (100) viviendas	Elaboración de Autorización Ambiental
RSJ-A0015-0410	Construcción de 50 Viviendas en el Barrio Pilón, San Carlos	2010	Desarrollo urbano entre veinte (20) y cien (100) viviendas	Elaboración de Autorización Ambiental
RSJ-A0016-0810	Explotación del Banco de Materiales Siete macho, Morrito	2010	Explotación de Bancos de material de préstamo y Proyectos	Elaboración de Autorización Ambiental