

INTERNATIONAL COURT OF JUSTICE

**DISPUTE CONCERNING THE CONSTRUCTION OF A ROAD IN
COSTA RICA ALONG THE SAN JUAN RIVER**

NICARAGUA v. COSTA RICA

REJOINDER OF COSTA RICA



VOLUME IV

ANNEXES 15 - 80

2 FEBRUARY 2015

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REJOINDER OF COSTA RICA



VOLUME IV

ANNEXES 15 - 80

2 FEBRUARY 2015

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ANNEX 15

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published in the Official Gazette number 207

1 November 1995

English translation of relevant articles

Regulations for the Ground Transportation of Hazardous Materials 1 November, 1995

NO. 24715-MOPT-MEIC-S
THE PRESIDENT OF THE REPUBLIC AND THE MINISTERS OF PUBLIC WORKS AND
TRANSPORT, ECONOMY, INDUSTRY AND TRADE, AND HEALTH

In the exercise of the powers conferred by article 140, subparagraph 3) and 18) of the Political Constitution; and based on the provisions of the Law of Creation of the Ministry of Public Works and Transport, No. 4786 of 5 July 1971 and its amendments; the Road Administration Law, No. 6324 of 24 May 1979; Article 101 of the Law of Transit on Public Roads, No. 7331 of 13 April 1993; the Organic Law of the Ministry of the Economy, Industry and Commerce, No. 6054 of 17 June 1977; the Law of Measurement Units, No. 5292 of 9 August 1973; the Organic Law of the Ministry of Health, No. 5412 of 8 November 1973; the General Health Law, No. 5395 of 30 October 1973; and Article 27 of the General Public Administration Law, No. 6227 of 2 May 1978.

Considering:

1st.- That with the construction and improvement of public transport roads, whether highways, streets or roads, there has been a parallel increase in the mobilization, transfer and transport of the inhabitants of the Republic.

2nd.- That, in addition, there has been notable commercial exchange and the use of these public roads for the transport of all kinds of goods and products, from and to any point in the national territory and, even beyond our borders.

3rd.- That it has been proven that there are a series of products and materials that, due to their intrinsic nature and fundamental properties, require a specific regulation so that they can be moved and transported on public roads in strict observance of technical and legal standards that enable the effective protection of the environment and the safety of pedestrians, users and drivers who travel on such public roads.

4th.- That the jurisdiction of the Ministry of Public Works and Transport includes regulating all matters relating to the transit of vehicles and the transport of persons and goods on the country's public roads, as well as aspects derived from road safety and prevention of pollution caused by motor vehicles.

5th.- That said Ministry is responsible, through the competent administrative units, for the study of the problems of vehicle transit, the environmental and social impacts and the implementation of technical measures necessary for the control, monitoring and optimum regulation of all transit operations in the country.

6th.- That with the entrance into effect of the Law on Transit of...

SECTION III **Routes and itinerary**

Article 39.- The General Department of Transit Engineering of the Ministry of Public Works and Transport will implement specific routes that shall be used by vehicles carrying hazardous materials, as well as special signs that will be determined for their proper identification.

Article 40.-Any vehicle transporting dangerous materials must abide in its journey to the routes established for this purpose, trying to avoid the use of densely populated roads, or those close to forest or ecological reserves or urban centres.

Article 41.-The shipper shall report annually to the General Department of Traffic Engineering the flow of transportation of dangerous materials that are shipped regularly, specifying:

- (a) Classes of transported goods and the quantities transported;
- (b) Points of origin and destination.

This information shall be available at all times to the organs and entities responsible for the protection of the environment and of the authorities with jurisdiction over public roads.

Article 42.- The General Department of Traffic Engineering, in collaboration with public or private entities, shall determine, periodically or when deemed necessary, the technical criteria of the selection of products, for which additional information will be requested, such as frequency of shipments, forms of packaging and route, main routes to be used, characteristics of the product, prior to issuing the corresponding authorization.

Article 43.- The General Department of Traffic Engineering may establish restrictions on the use of roads along their entire length or in some sections; in the latter case it shall indicate the restricted stretches or sections, and may also establish areas with restrictions on parking, loading and unloading.

Article 44.- In the case of origin or destination of a dangerous product, the use of a restricted road shall be demanded, which the carrier shall check with the authority with jurisdiction over the road, if thus requested.

Article 45.-The route should be programmed so as to avoid the presence of the vehicle transporting the dangerous material on roads with a high flow of traffic and during peak hours.

Executive Decree : 24715 of 06/10/1995

Regulations for the Ground Transportation of Hazardous Materials

General informatin:

Valid since: 01/11/1995

Last version from: 4 de 4 del 04/02/2010

Publication data:

Gaceta N°: 207 of: 01/11/1995

ANNEX 16

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-543-09

27 July 2009

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship27 July 2009
DM-543-09

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

Your Excellency,

I am pleased to greet you in order to refer to the Judgment of the International Court of Justice issued on 13 July in the case concerning the Dispute Regarding Navigational and Related Rights (Costa Rica v. Nicaragua).

Firstly, I would like to express the satisfaction of the Government of Costa Rica with the fact that by means of peaceful settlement of disputes, and particularly through the highest court of the judicial system of the United Nations, Costa Rica and Nicaragua have managed to resolve and leave behind an issue that for some years complicated their bilateral relationship. My Government is certain that through this historic ruling Costa Rica and Nicaragua have not only set an example for the world, but have also laid the basis to build a new relationship of neighbourliness and brotherhood, characterized by greater harmony that will result in benefits for our peoples. In this regard, the Government of Costa Rica endorses the words of President Daniel Ortega Saavedra when he expressed to the media that with this judgment "the Costa Rican brothers won and the Nicaraguans won".

This is an adequate occasion to inform you that the Ministry of Foreign Affairs of Costa Rica is in the process of coordinating with the other institutions of the State the protocols for the implementation of the contents of the Judgment. As a first step in the process of compliance with the Judgment, however, my Government has been informed that the Nicaraguan military authorities continue making charges to Costa Rican vessels and their passengers transiting on the San Juan River, in the portion where Costa Rica enjoys the right to free navigation.

In this regard, it is worth noting that the Court indicated the following:

"148 [...] It should be recalled that when the Court has found that the conduct of a State is of a wrongful nature, and in the event that this conduct persists on the date of the judgment, the State concerned is obliged to cease it immediately. This obligation to cease wrongful conduct derives both from the general obligation of each State to conduct itself in accordance with International law and from the specific obligation upon States parties to disputes before the Court to comply with its judgments, pursuant to Article 59 of its Statute [...]"

Consequently, my Government requires the Illustrious Government of the Republic of Nicaragua that these charges cease immediately, in accordance with that established by the International Court of Justice.

Please accept, Your Excellency, the assurances of my highest consideration.

Bruno Stagno Ugarte
Minister of Foreign Affairs

EMBAJADA DE NICARAGUA
SAN JOSE, COSTA RICA
RECIBIDO
Recepción

Fecha:

27-06-09

Horas:

2:00 PM

Recibido por:

IVAN

El Ministro de Relaciones Exteriores y Culto

27 de Julio de 2009
DM-543-09

Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Excelencia,

Me es grato saludar a Vuestra Excelencia en ocasión de referirme al fallo que la Corte Internacional de Justicia emitió el pasado 13 de julio en el caso de los Derechos de Navegación y Conexos (Costa Rica v. Nicaragua).

Deseo manifestar, en primera instancia, la complacencia del Gobierno de Costa Rica por el hecho de que mediante la vía de la solución pacífica de controversias, y en particular por medio de la máxima instancia judicial del sistema de las Naciones Unidas, Costa Rica y Nicaragua hayan logrado resolver y dejar en el pasado un tema que durante algunos años dificultó la relación bilateral. Mi Gobierno guarda certeza de que mediante este histórico fallo Costa Rica y Nicaragua no sólo han dado un ejemplo al mundo, sino que además han sentado las bases para construir una nueva relación de vecindad y hermandad, caracterizada por una mayor armonía que redundará en el beneficio de nuestros pueblos. En este sentido, el Gobierno de Costa Rica hace suyas las palabras del señor Presidente Daniel Ortega Saavedra cuando expresó ante los medios de comunicación que con este fallo "ganaron los hermanos costarricenses y ganamos los nicaragüenses".

Es esta la ocasión propicia para informar a Vuestra Excelencia que el Ministerio de Relaciones Exteriores y Culto de Costa Rica se encuentra en proceso de coordinar con otras instituciones del Estado los protocolos para la aplicación del contenido del fallo. Como un primer paso en el proceso de acatamiento del fallo, no obstante, mi Gobierno hace ver que se le ha informado que las autoridades militares nicaragüenses continúan realizando cobros a las embarcaciones costarricenses y a sus pasajeros que transitan en el Río San Juan, en la parte donde Costa Rica goza de los derechos de libre navegación.

Al respecto, vale recordar que la Corte expresó lo siguiente:

"148. [...] it should be recalled that when the Court has found that the conduct of a State is of a wrongful nature, and in the event that this conduct persists on the date of the judgment, the State concerned is obliged to cease it immediately. This obligation to cease wrongful conduct derives both from the general obligation of each State to conduct itself in accordance with international law and from the specific obligation upon States parties to disputes before the Court to comply with its judgments, pursuant to Article 59 of its Statute [...]"

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DM-543-09

En consecuencia, mi Gobierno requiere al Ilustrado Gobierno de la República de Nicaragua que dichos cobros sean cesados de inmediato, de conformidad con lo establecido por la Corte Internacional de Justicia.

Ruego aceptar, Excelencia, las seguridades de mi mayor consideración y estima.

Bruno Stagno Ugarte

Bruno Stagno Ugarte
Ministro de Relaciones Exteriores y Culto



ANNEX 17

Note from the Acting Minister of Foreign Affairs and Worship of Costa Rica, to the Acting Minister of Foreign Affairs of Nicaragua
Reference DVM-176-09

21 August 2009

English Translation and Spanish Original

The Vice-Minister of Foreign Affairs and Worship

San José, 21 August 2009
DVM-176 -09

Your Excellency,

I am pleased to address you with reference to the Judgment of the International Court of Justice issued on 13 July in the case concerning the Dispute Regarding Navigational and Related Rights (Costa Rica v. Nicaragua).

The Republic of Costa Rica wishes to have a full normalization of the relations between the two countries. To this end, it is essential that both countries implement, as soon as possible, that set forth by the International Court of Justice.

The Minister of Foreign Affairs, Mr. Bruno Stagno, sent a note to the Minister of Foreign Affairs, Mr. Samuel Santos, dated 27 July 2009, regarding the existence of charges to Costa Rican vessels and passengers on the San Juan River, where Costa Rica has a right to free navigation. My Government has not yet received a formal and satisfactory response to said note.

In addition, we have been informed that the Nicaraguan authorities continue implementing the charges to Costa Rican vessels transiting on the river. As evidence of this fact, I have attached a copy of several receipts issued by said authorities.

More than one month has passed since the International Court of Justice issued its Judgment declaring such charges contrary to the international obligations of the Republic of Nicaragua. Since these charges do not cease, in violation to that set forth by the Court, my Government emphatically protests against these events, and urges the Government of the Republic of Nicaragua to immediately cease such behaviour, in compliance with that ordered by the Court.

Please accept, Your Excellency, the assurances of my highest consideration.

Edgar Ugalde Alvarez

His Excellency
Manuel Coronel
Acting Minister of Foreign Affairs
Republic of Nicaragua



El Viceministro de Relaciones Exteriores y Culto

San José, 21 de Agosto de 2009
DVM-176 -09

Excelencia,

Me es grato saludar a Vuestra Excelencia en ocasión de referirme al fallo que la Corte Internacional de Justicia emitió el pasado 13 de julio en el caso de los Derechos de Navegación y Conexos (Costa Rica v. Nicaragua).

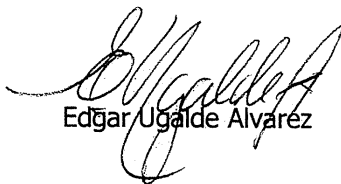
La República de Costa Rica desea que exista una normalización plena de las relaciones entre ambos países. Para ello, es indispensable que ambos países implementen, a la brevedad posible, lo dispuesto por la Corte Internacional de Justicia.

El Ministro de Relaciones Exteriores y Culto, don Bruno Stagno, envió una nota al Ministro de Relaciones Exteriores, don Samuel Santos, fechada 27 de julio de 2009, relacionada con la existencia de cobros a embarcaciones y pasajeros costarricenses en el río San Juan, donde Costa Rica tiene derecho a navegarlo libremente. Mi Gobierno aún no ha recibido una respuesta formal y satisfactoria a dicha nota.

Adicionalmente, se nos ha informado que se siguen implementando por parte de autoridades nicaragüenses cobros a quienes transitan por el río en embarcaciones costarricenses. Como prueba de este hecho, adjunto copia de varios recibos emitidos por dichas autoridades.

Ha transcurrido ya más de un mes desde que la Corte Internacional de Justicia emitió su fallo declarando dichos cobros contrarios a las obligaciones internacionales de la República de Nicaragua. Dado que los cobros no cesan, en violación a lo dispuesto por la Corte, mi Gobierno eleva su más enérgica protesta por estos hechos, y solicita al Gobierno de la República de Nicaragua el cese inmediato de dicha conducta, en cumplimiento de lo dispuesto por la Corte.

Ruego aceptar, Excelencia, las seguridades de mi mayor consideración y estima.


Edgar Ugalde Álvarez

Excelentísimo señor
Manuel Coronel
Ministro de Relaciones Exteriores por la Ley
República de Nicaragua



ANNEX 18

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-674-09

7 September 2009

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

San Jose, 7 September 2009

DM-674-09

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

Your Excellency,

I am writing once again with reference to the Judgment of the International Court of Justice of 13 July in the Dispute Regarding Navigational and Related Rights (Costa Rica v. Nicaragua).

To date the Government of Costa Rica has sent two notes to the Illustrious Government of Nicaragua showing that the latter has not complied yet with the ruling of the International Court of Justice. On 27 July of the current year I sent to Your Excellency note number DM-543-09, and on 21 August the Vice-Minister of Foreign Affairs, Ambassador Edgar Ugalde, sent to Vice-Minister Manuel Coronel the note DVM-176-09, even enclosing a copy of receipts for the fees that immigration authorities still require of persons who navigate the San Juan River on Costa Rican vessels, thus contravening the Judgment of the International Court of Justice. Unfortunately, to date my Government has received no response to either of these notes.

Regarding this situation, we noted that in the Nicaraguan newspaper El Nuevo Diario in the edition of 31 August, in a note titled "Disregard of The Hague" you are cited saying that "*they* (the Costa Rican Ministry of Foreign Affairs) *are wrong. Nicaragua is complying with the Judgment of The Hague. I already sent a note and do not want to start bickering,*" while in the 01 September edition of the same newspaper another article was published entitled "They deny disregard of The Hague," which quotes Vice-Minister Manuel Coronel saying "*we have not received any claim from the Government of Costa Rica regarding the immigration fees to Costa Rican citizens for navigation on the San Juan River, contrary to that indicated by the Minister Samuel Santos, that Nicaragua had already replied to the Government of Costa Rica.*"

The Government of Costa Rica regrets not only that the Illustrious Government of Nicaragua has not provided an official response to the aforementioned notes, but also that said country's press publishes false and contradictory positions of the top authorities of the Nicaraguan Ministry of Foreign Affairs. Precisely, "bickering" is avoided by means of official communication through the usual diplomatic means. Consequently, my Government urges the Illustrious Government of Nicaragua to provide a prompt response and to abide by that recorded in notes DM-543-09 of 27 July and DVM-176-09 of 21 August so that both countries can move forward in building a new relationship of fraternity, based on the recent ruling of the International Court of Justice.

Please accept the assurances of my highest consideration.

Bruno Stagno Ugarte
Minister

El Ministro de Relaciones Exteriores y Culto

San José, 7 de septiembre de 009
DM-674-09

Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Excelencia,

Me es grato saludar a Vuestra Excelencia en ocasión de referirme nuevamente al fallo que la Corte Internacional de Justicia emitió el pasado 13 de julio en el caso de los Derechos de Navegación y Conexos (Costa Rica v. Nicaragua).

A la fecha el Gobierno de Costa Rica ha remitido al Ilustrado Gobierno de Nicaragua dos notas haciendo ver que éste último todavía no ha dado cumplimiento al fallo de la Corte Internacional de Justicia. El 27 de julio del corriente dirigí a Vuestra Excelencia el oficio número DM-543-09, y el 21 de agosto pasado el Viceministro de Relaciones Exteriores, Embajador Edgar Ugalde remitió al Viceministro Manuel Coronel el oficio DVM-176-09, en el cual incluso se adjuntaba copia de recibos por los cobros que las autoridades migratorias aún exigen a las personas que navegan en el río San Juan en embarcaciones costarricenses, en contravención de lo fallado por la Corte Internacional de Justicia. Lamentablemente, hasta el momento mi Gobierno no ha recibido respuesta a ninguno de esos oficios.

En relación con esta situación, llama la atención lo consignado por el medio nicaraguense El Nuevo Diario en su edición del 31 de agosto pasado, donde en una nota titulada "Desacato a La Haya", se cita a Vuestra Excelencia diciendo que "ellos (Cancillería de Costa Rica) están equivocados. Nicaragua está cumpliendo la sentencia de La Haya. Yo ya envíe un comunicado y no quiero caer en dimes y diretes", mientras que en la edición del 01 de septiembre de ese mismo diario se publica otra nota titulada "Niegan desacato a La Haya", en la cual se cita al Viceministro Manuel Coronel diciendo "que no han recibido ningún reclamo del gobierno de Costa Rica por los cobros migratorios a ciudadanos ticos para navegar en el río San Juan, contrario a lo que expresó el canciller Samuel Santos, en el sentido de que Nicaragua ya había contestado al gobierno de Costa Rica".

El Gobierno de Costa Rica lamenta no sólo que el Ilustrado Gobierno de Nicaragua no haya dado respuesta oficial todavía a los oficios antes referidos, sino que además la prensa de ese país consigne posiciones falsas y contradictorias de parte de las más altas autoridades del Ministerio de Relaciones Exteriores de Nicaragua. Precisamente, el "caer en dimes y diretes" se evita mediante la comunicación oficial por los medios diplomáticos usuales. Por ello, mi Gobierno insta al Ilustrado Gobierno de Nicaragua a dar pronta respuesta y a acatar lo consignado en los oficios DM-543-09 de 27 de julio y DVM-176-09 de 21 de agosto, para que ambos países podamos avanzar en la construcción de una nueva relación de fraternidad, sobre la base del reciente fallo de la Corte Internacional de Justicia.

Ruego aceptar, Excelencia, las seguridades de mi mayor consideración y estima.

Bruno Stagno Ugarte
Bruno Stagno Ugarte
Ministro



EMBAJADA DE NICARAGUA
SAN JOSE, COSTA RICA
RECIBIDO
Recepción
10-09-09
12:57 P.M.
F. Varela

Fecha: _____
Hora: _____
Recibido por: _____

ANNEX 19

Note from the Acting Minister of Foreign Affairs and Worship of Costa
Rica to the Acting Minister of Foreign Affairs of Nicaragua
Reference DM-264-11

27 April 2011

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

San Jose, 27 April 2011
DM-264-11

Honourable Vice-Minister:

I am writing in response to your note MRE/DVM/AJST/118/0411 of 7 April of the current year, which refers to a note submitted by the Regional Director of Health Services of the Huetar Norte Region of the Caja Costarricense de Seguro Social (Costa Rican Social Security), whereby it informs Mr. Harold Rivas, Nicaraguan Ambassador in Costa Rica, of a vaccination programme aimed at the inhabitants of the northern part of the country, particularly the coastal communities of Boca Cureña and Chorreras. Access to these communities requires navigation on the San Juan River given that there is no other expeditious access by land.

In this regard, I would like to remind the Illustrious Government of Nicaragua that in paragraph 156 (b) of the Judgment of 13 July 2009, the International Court of Justice determined that "Costa Rica has the right of navigation on the San Juan River with official vessels used solely, in specific situations, to provide essential services for the inhabitants of the riparian areas where expeditious transportation is a condition for meeting the inhabitants' requirements."

In conformity with that established by the International Court of Justice, Costa Rica does not require to ask Nicaragua for permission so that its official vessels use the San Juan River for a vaccination campaign of the communities on the banks of the river, especially when said navigation on the river is an essential condition for access to said communities, as is the case. Alternatively, in the event that the officials in charge of vaccination navigate in private commercial vessels, Nicaragua's authorization is not required either, as long as there is a payment involved, in accordance with the general principle of Costa Rican navigation on the San Juan River established in the same Judgment.

Based on the foregoing, and despite the note sent by the Regional Director of Health Services of the Huetar Norte Region, who is evidently not aware of the scope of the legal regime that governs the Costa Rican navigation rights on the San Juan River -and certainly lacks the investiture to compromise the country's legal position- the authorization of the Government of Nicaragua is not required for these officials to navigate on the San Juan River in order to visit the Costa Rican border communities to carry out the referred vaccination programme, that incidentally, will also benefit many Nicaraguan citizens who comprise a large portion of that population. It is also worth noting that that this vaccination program falls within the context of the "Agreement on Health Collaboration between the Government of the Republic of Costa Rica and the Government of the Republic of Nicaragua, through their Ministries of Health, to strengthen the health actions in border communities," signed by both countries on 3 December 2009 in San José.

Regarding the reference to Decree 79-2009 contained in your note, may I also remind Your Excellency that the Government of Costa Rica, through note DM-AM-816-09 of 20 November 2009, had already formalized its protest to this Decree, for being both contrary to that ordered by the International Court of Justice in its Judgment of 13 July 2009, as well as to that set forth by the Cañas–Jerez Treaty of 1858, by the Cleveland Award of 1888 and by the Fournier-Sevilla Agreement of 1956. To date the Government of Nicaragua not has adequately refuted the legal grounds contained in the annex to note DM-AM-816-09, that support the reasons why the Decree lacks any validity. In any case, the Government of Costa Rica rejects any legal value it might be intended to give to your note MRE/DVM/AJST/118/0411 of 7 April 2011.

Please accept, Vice-Minister, the assurances of my highest consideration.

Carlos Roverssi Rojas
Acting Minister

His Excellency
Manuel Coronel Kautz
Vice-Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

San José, 27 de abril de 2011

DM-264-11

Excelentísimo señor Viceministro:

Me permito saludar a Vuestra Excelencia con ocasión de dar respuesta a su nota MRE/DVM/AJST/118/0411 de 7 de abril del corriente, en la que se refiere a una nota remitida por el Director Regional de Servicios de Salud de la Región Huetar Norte de la Caja Costarricense de Seguro Social, mediante la cual informa al señor Harold Rivas, Embajador de Nicaragua en Costa Rica, sobre un programa de vacunación dirigido a los habitantes de la zona norte del país, en particular las comunidades ribereñas de Boca Cureña y Chorreras, cuyo acceso requiere necesariamente navegar por el río San Juan, en vista que no existen otros accesos terrestres expeditos.

Sobre este particular, me permito recordar al Ilustrado Gobierno de Nicaragua que en el párrafo 156 (b) de su sentencia del 13 de julio de 2009, la Corte Internacional de Justicia determinó que "Costa Rica tiene el derecho de navegación en el río San Juan con embarcaciones oficiales utilizadas solamente, en casos particulares, con vistas a proveer servicios esenciales a los habitantes de las zonas ribereñas donde el transporte expedito es una condición para la satisfacción de las necesidades de estos habitantes"

De conformidad con lo establecido por la Corte Internacional de Justicia, Costa Rica no requiere pedir permiso a Nicaragua para que sus embarcaciones oficiales usen el río San Juan para una campaña de vacunación de las comunidades ribereñas al río, máxime cuando la navegación en dicho río es una condición esencial para el acceso a dichas comunidades, como es el caso presente. Alternativamente, en el caso de que los funcionarios a cargo de la vacunación naveguen en embarcaciones comerciales privadas, tampoco se requiere la autorización de Nicaragua, siempre que haya un pago de por medio, de conformidad con el principio general de la navegación costarricense en el río San Juan que establece la misma Sentencia.

En virtud de lo anterior, y a pesar de una nota enviada por el Director Regional de Servicios de Salud de la Región Huetar Norte, que evidentemente desconoce los alcances del régimen jurídico que gobierna los derechos de navegación costarricenses en el Río San Juan — y ciertamente carece de la investidura para comprometer la posición jurídica del país—no se requiere la autorización del Gobierno de Nicaragua para que estos funcionarios naveguen por el río San Juan con el fin de visitar las comunidades fronterizas costarricenses ribereñas para llevar a cabo el programa de vacunación referido, que dicho sea de paso, también beneficiará a los numerosos ciudadanos nicaragüenses que conforman gran parte de esa población. No omito manifestar que dicho programa de vacunación también se enmarca en el contexto del "Convenio de colaboración en Salud entre el Gobierno de la República de Costa

...Nº 2
DM -264-2011

Rica y el Gobierno de la República de Nicaragua, a través de sus Ministerios de Salud, para el fortalecimiento de las acciones de salud en las comunidades fronterizas” suscrito por ambos países el 3 de diciembre de 2009 en San José.

En cuanto a la referencia al Decreto 79-2009 contenida en su nota, me permito igualmente recordar a Vuestra Excelencia que el Gobierno de Costa Rica, mediante nota DM-AM-816-09 de 20 de noviembre de 2009, ya había formalizado su protesta a dicho Decreto, por ser contrario tanto a lo dispuesto por la Corte Internacional de Justicia en su Sentencia del 13 de julio de 2009 como a lo dispuesto por el Tratado Cañas-Jerez de 1858, por el Laudo Cleveland de 1888 y por el Acuerdo Fournier-Sevilla de 1956. Hasta la fecha el Gobierno de Nicaragua no ha refutado debidamente las razones jurídicas contenidas en el anexo al oficio DM-AM-816-09 y que sustentan los motivos por las cuales dicho Decreto carece de validez alguna. En todo caso, el Gobierno de Costa Rica rechaza cualquier valor jurídico que se le pretenda dar a la nota MRE/DVM/AJST/118/0411 de 7 de abril de 2011.

Reciba, señor Viceministro, las muestras de mi distinguida consideración.

ROVERSSI
Carlos Roverssi Rojas
Ministro a.i.



Excelentísimo señor
Manuel Coronel Kautz
Viceministro de Relaciones Exteriores
República de Nicaragua

Recibido
29/4/2011
[Signature]
11:23 AM

ANNEX 20

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-161-13

20 March 2013

English Translation and Spanish Original

TRANSLATION**The Minister of Foreign Affairs and Worship**

20 March 2013
Ref. DM-AM-161-13

Dear Minister,

I refer to the notes sent by you, and which my country received on 5 March 2013, with reference numbers MRE/DM-AJ/127-03-13, MRE/DM-AJ/128-03-13, and MRE/DM-AJ/129-03-13.

With respect to the first note, Costa Rica regrets that Nicaragua has failed to comply with the Order of the International Court of Justice of 8 March 2011, but rather conceals its involvement, direction and control over the presence of Nicaraguan citizens in the area indicated by the Court, despite the abundant evidence of these facts, including the manifestations by authorities of your Government which accept its participation vis-à-vis the presence of these citizens in the said area.

Moreover, it is so clear and obvious that your Government has participated in these violations of the Court's Order that press reports have recently confirmed what we already know, namely that the presence of Nicaraguans in the said area is organised and financed by the Government of Nicaragua. In this regard, both El 19 Digital and Prensa Latina reported on 17 March 2013 the following: "Through the organisation of Guardabarranco, and backed by the Sandinista Government, more than six thousand 300 youths from all over Nicaragua, in groups of 25 per week, have progressed through a learning process in both theory and practice by travelling to this significant waterway bordering Costa Rica." And, furthermore, both press outlets also noted that: "This includes two days in the classroom, increasing [their] knowledge, and eight days in Harbour Head Island (*sic*), located in the expanded waterway south of Nicaragua."

With regard to your second note, Costa Rica has taken particular care to comply with the Order of the International Court of Justice, which permits Costa Rican personnel for the protection of the environment to be sent to the area indicated by the Court. This was done in consultation with the Secretariat of the Ramsar Convention, and with prior notice to your country and the International Court of Justice. Similarly, Costa Rica has acted with the greatest willingness to achieve the most cooperation possible with Nicaragua, but your country refuses to cooperate with Costa Rica. This is evident from the aforementioned violations of the provisional measures indicated by the Court.

In relation to your third note, which concerns the proceedings that your country initiated before the International Court of Justice about the construction of a road on Costa Rica territory, my Government regrets the lack of willingness and readiness of Nicaragua to allow sampling of the San Juan River in order to establish with sound scientific criteria the true state of the waters of the River. Despite this attitude, Costa Rica has made a new request to your country, through the intermediary of the International Court of Justice, in order that the said monitoring can be jointly undertaken. It is hoped that on this occasion your Government will be willing to cooperate if it really is the case that Nicaragua wishes to protect the environment of the San Juan River.

Moreover, Costa Rica strongly rejects the position of Nicaragua not to recognise the scope of the Judgment of the International Court of Justice of 13 July 2009, concerning the right of Costa Rica to navigate the San Juan River. The navigation of Costa Rican technicians, referred to in my note DM-AM-063-13 of 6 February 2013, is in essence navigation for commercial purposes, as a private boat is paid in exchange for the service of transporting the length of the river along which Costa Rica has a right of navigation. Costa Rica reserves its right to exercise its right of navigation in accordance with the terms provided by the International Court of Justice.

I take this opportunity to reiterate the assurances of my highest consideration.

Enrique Castillo Barrantes

His Excellency
Samuel Santos López
Minister of Foreign Relations
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

20 de marzo de 2013

DM-AM-161-13


Estimado señor Ministro:

Me refiero a las comunicaciones enviadas por usted, y recibidas por mi país el pasado 5 de marzo de 2013, comunicaciones números MRE/DM-AJ/127-03-13, MRE/DM-AJ/128-03-13, y MRE/DM-AJ/129-03-13.

En cuanto a la primera comunicación, Costa Rica lamenta que Nicaragua no dé cumplimiento a la orden de la Corte Internacional de Justicia de 8 de marzo de 2011, y que más bien busque disimular su participación, dirección y control sobre la presencia de ciudadanos de Nicaragua en la zona señalada por la Corte, a pesar de la abundante prueba sobre esos hechos, incluyendo las propias manifestaciones de autoridades de su Gobierno, que aceptan su participación para que esos ciudadanos tengan presencia ahí.

Más aún, es tan clara y evidente la participación de su Gobierno en estas violaciones a la orden de la Corte, que medios periodísticos recientemente confirmaban lo que todos ya sabemos: que la presencia de nicaragüenses en esa zona es organizada y financiada por el Gobierno de Nicaragua. En ese sentido, tanto el medio El 19 Digital como el medio Prensa Latina, señalaban el pasado 17 de marzo de 2013 lo siguiente: *“Por gestión de Guardabarranco, con el respaldo del gobierno sandinista, más de seis mil 300 jóvenes de toda Nicaragua, a razón de 25 cada semana, transitaron por un proceso de aprendizaje en torno a esa significativa vía fluvial limítrofe con Costa Rica, tanto desde la teoría como desde la práctica”*. Y, seguidamente, ambos medios también señalaron que: *“Este contempla dos días en el aula, acrecentando conocimientos, y ocho jornadas en la isla de Harbour Heard (sic), situada en esa avenida hídrica expandida al sur de Nicaragua.”*

Sobre su segunda nota, Costa Rica ha cumplido con especial atención la orden de la Corte Internacional de Justicia, que permite el envío de personal costarricense para la protección del ambiente a la zona señalada por la Corte. Ello se ha hecho de común acuerdo con la Secretaría de la Convención Ramsar, y dando previo aviso a su país y a la Corte Internacional de Justicia. Asimismo, Costa Rica ha tenido la mejor voluntad de lograr la mayor cooperación posible con Nicaragua, pero ha sido su país el que rechaza cooperar con Costa Rica. Evidencia de esa posición son las violaciones antes mencionadas a las medidas provisionales dictadas por la Corte.

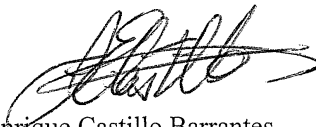
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 22/03/13
 09:35 a.m.

-página 2-

En relación con su tercera comunicación, que concierne el caso que su país llevó a la Corte Internacional de Justicia por la realización de un camino en territorio de Costa Rica, mi Gobierno lamenta la falta de voluntad y disposición de Nicaragua de permitir la toma de muestras de las aguas del río San Juan, con el objeto de establecer, con criterios científicos sólidos, la verdadera situación de las aguas del río. A pesar de esa actitud, Costa Rica ha transmitido un nuevo pedido a su país, por intermedio de la Corte Internacional de Justicia, para que esos monitoreos se puedan realizar conjuntamente. Esperamos que en esta oportunidad su Gobierno esté dispuesto a cooperar si lo que realmente Nicaragua desea es la protección ambiental del Río San Juan.

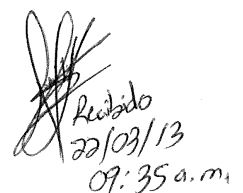
Por otra parte, Costa Rica rechaza con total firmeza, la posición de Nicaragua de desconocer los alcances del fallo de la Corte Internacional de Justicia de 13 de julio de 2009, sobre los derechos de navegación de Costa Rica en el río San Juan. La navegación de técnicos costarricenses referida en mi nota DM-AM-063-13 de 6 de febrero de 2013 es, en esencia, una navegación comercial, pues se paga a un botero privado por el servicio de transporte a lo largo del sector del río donde Costa Rica tiene derecho a navegarlo. Costa Rica hace ver que se reserva el derecho de hacer uso de su derecho de navegación, en los términos señalados por la Corte Internacional de Justicia.

Aprovecho la ocasión para reiterar las seguridades de mi consideración.



Enrique Castillo Barrantes

Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua



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22/03/13
09:35 a.m.

ANNEX 21

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-269-13

21 May 2013

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

21 May 2013
DM-AM-269-13

Honourable Minister:

I hereby refer to note MRE/DM-VM/AJST/273/5/13, dated May 13, 2013, signed by Orlando Gómez Zamora, Vice-Minister of Foreign Affairs, whereby the Government of Nicaragua communicated to Costa Rica its decision not to build the inter-oceanic canal through San Juan River.

The Government of the Republic of Costa Rica expresses its gratitude for the aforementioned communication and takes cognizance of the Nicaraguan decision.

Furthermore, considering that Nicaragua will continue taking steps for the construction of the Inter-Oceanic Canal in another area of the Nicaraguan territory, Costa Rica would like to be informed if Nicaragua plans to perform works on Lake Nicaragua or on any sector of the San Juan River which may affect said river's current volume of flow, as this could impinge on Costa Rica's navigation rights and on Costa Rican territory as well, including its national bodies of water.

We would also appreciate if you could communicate to us any other decision regarding reconsideration of the Canal through the San Juan River.

As you are aware, Costa Rica does not oppose to infrastructure works which the Government of Nicaragua, in the exercise of its sovereignty, decides to perform in its territory, but it calls to mind that said works must be performed respecting the sovereign rights of the Republic of Costa Rica, in conformity with that set forth in the international instruments that govern relations between both countries.

Please receive assurances of my highest consideration.

(Signed and stamped)
Enrique Castillo Barrantes

Honourable Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

21 de mayo de 2013
DM-AM-269-13

Señor Ministro:

Hago referencia a la nota MRE/DM-VM/AJST/273/5/13, fechada 13 de mayo de 2013, y suscrita por Orlando Gómez Zamora, Vice Ministro de Relaciones Exteriores, por la cual el Gobierno de Nicaragua comunica a Costa Rica su decisión de no construir un Canal Interoceánico por el Río San Juan.

El Gobierno de la República de Costa Rica agradece la referida comunicación, y toma nota de la decisión nicaragüense.

Asimismo, y dado que Nicaragua continuará las acciones conducentes a la construcción de un Canal Interoceánico en otro sector del territorio de Nicaragua, Costa Rica desea que se le informe si Nicaragua planea realizar obras en el lago de Nicaragua, o en algún sector del río San Juan, que puedan tener un efecto sobre el nivel del caudal actual de ese río, pues ello podría afectar tanto los derechos de navegación de Costa Rica en el mismo, así como el propio territorio costarricense, incluyendo sus cursos de agua nacionales.


También agradecerá que se le comunique cualquier decisión en torno a volver a considerar el curso del Canal por el río San Juan.

Como es de su conocimiento, Costa Rica no se opone a las obras de infraestructura que soberanamente el Gobierno de Nicaragua decida realizar en su territorio, pero recuerda que tales obras deberán realizarse respetando los derechos soberanos de la República de Costa Rica, con arreglo a lo dispuesto en los instrumentos internacionales que gobiernan las relaciones entre ambos Estados.

Aprovecho la ocasión para reiterar las seguridades de mi consideración.


Enrique Castillo Barrantes


Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Recibido.

22/05/13
10:12 a.m.

ANNEX 22

Note from the Permanent Representative of Costa Rica to the United Nations-Geneva to the Secretary General of the Ramsar Convention
Reference MPCR-ONUG/2014-324

17 July 2013

English Translation and Spanish Original

Permanent Mission of Costa Rica in Geneva

REF. MPCR-ONUG/2013-324

14.1

Geneva 19 July 2013

Honourable Secretary General,

I am hereby submitting the report prepared by the Government of Costa Rica especially for the Executive Secretariat of the Convention on Wetlands entitled “New Works in the Northeast Caribbean Wetland,” which includes four annexes:

-Annex 1: Executive Decree No. 36440-MP

-Annex 2: RES 2445-2011 SETENA authorizing Fátima-Delta electric line

-Annex 3: Note from ICE to CNE requesting authorization for beginning of works of the Isla Calero Technological Project

-Annex 4: ACTO permit to cut trees for works

Please accept, Secretary General, the assurances of my highest consideration.

Manuel B. Dengo
Ambassador
Permanent Representative

Mr. Anada Tiega
Secretary General
Ramsar Convention on Wetlands
Gland



*Misión Permanente
de Costa Rica
Ginebra*

REF. MPCR-ONUG/2013-324

14.1

Ginebra, 19 de julio del 2013

Estimado señor Secretario General,

Me permito hacerle llegar el Informe preparado por el Gobierno de Costa Rica, especialmente para la Secretaría Ejecutiva de la Convención sobre Humedales denominado "Obras Nuevas en el Humedal Caribe Noreste", el cual incluye cuatro anexos:

- Anexo 1: Decreto Ejecutivo N° 36440-MP
- Anexo 2: RES 2445-2011 de SETENA autoriza línea eléctrica Fátima-Delta
- Anexo 3: Nota del ICE a CNE Solicita autorización para inicio de obras del Proyecto Tecnológico Isla Calero
- Anexo 4: Permiso de ACTO para corta de árboles por obras

Le ruego aceptar, Señor Secretario General, las muestras de mi mayor consideración.

Manuel B. Dengo
Embajador
Representante Permanente



Señor Anada Tiega
Secretario General
Convención Ramsar sobre Humedales
Gland

Tel. (4122) 731 2587

Fax (4122) 731 2069

23, Avenue de France
1202 Ginebra – Suiza
mission.costarica@ties.itu.int

ANNEX 23

Note from the Acting Minister of Foreign Affairs and Worship of
Costa Rica to the Minister of Foreign Affairs of Nicaragua
Reference DM-D VM-550-2013

24 September 2013

English Translation and Spanish Original

The Acting Minister of Foreign Affairs and Worship

San José, 24 September 2013
DM-D VM-550-2013

Honourable Minister:

I am addressing you with regard to your note MRE/DM/521/09/13, dated 18 September 2013.

It is unfortunate that in your note your Government did not provide a satisfactory response to the note of protest sent by Costa Rica, dated 16 September 2013, and instead used it to reiterate your Government's violation of Costa Rica's navigation rights on the San Juan River.

It is even more serious that last 18 September 2013, at the military post of the Nicaraguan Army known as El Delta, Nicaragua prevented the free navigation of personnel for environmental protection which, having paid a private boat, was going in order to fulfil its functions to protect the Northeast Caribbean Wetland from irreparable damage caused by your Government.

Your statement that the *caños* which your country is illegally building on Costa Rican territory, which is subject to the provisional measures issued by the International Court of Justice, are a result of the rain, has been fully denied by the convincing images which have been documented. Furthermore, Edén Pastora himself, who is in charge of Nicaragua's dredging in San Juan River, in statements to the Nicaraguan media, has stated that he in fact maintains Nicaraguan personnel and equipment precisely in the area indicated by my country.

Consequently, I reiterate the terms of the recent note of protest sent by my country.

I take this opportunity to express the assurances of my highest consideration.

Gioconda Ubeda Rivera
Acting Minister

Honourable
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



LA MINISTRA A.I. DE RELACIONES EXTERIORES Y CULTO

San José, 24 de septiembre de 2013

DM-DVM-550-2013

Señor Ministro:

Me dirijo a usted en ocasión de referirme a su comunicación MRE/DM/521/09/13, fechada 18 de septiembre de 2013.

Lamento que mediante su comunicación, su Gobierno no haya dado respuesta satisfactoria a la nota de protesta enviada por Costa Rica, fechada 16 de septiembre de 2013, y que más bien haya hecho uso de esa misiva para reiterar la violación que su Gobierno hace de los derechos de navegación que Costa Rica tiene en el río San Juan. Más grave aún ha sido el hecho de que el pasado 18 de septiembre de 2013, en el puesto del Ejército de Nicaragua conocido como El Delta, Nicaragua impidiera la libre navegación de personal para la conservación ambiental que, pagando a una embarcación privada, se dirigía a cumplir con sus funciones de protección del Humedal Caribe Noreste de un daño irreparable que es ocasionado por su Gobierno.


Su afirmación, en el sentido de que los caños que su país ilegítimamente construye en territorio costarricense, sujeto a las medidas provisionales dictadas por la Corte Internacional de Justicia, son producto de la lluvia, ha quedado plenamente desmentida por las contundentes imágenes que se han logrado documentar. Más aún, el propio Edén Pastora, encargado del dragado de Nicaragua en el río San Juan, en declaraciones a medios de Nicaragua, ha afirmado que, en efecto, él mantiene personal y equipo nicaragüense justamente en la zona indicada por mi país.

Así las cosas, le reitero los términos de la reciente protesta enviada por mi país.

Aprovecho la ocasión para reiterar las seguridades de mi consideración.


Gioconda Ubeda Rivera
Ministra a.i.

Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua


24/9/13
a:57 p.m.

ANNEX 24

Note from the Agent of Nicaragua to the Registrar of the International Court
of Justice, Request for Provisional Measures
Reference HOL-EMB-196

11 October 2013



EMBASSY OF NICARAGUA
THE HAGUE

11 October 2013
Ref: HOL-EMB-196

Excellency,

I have the honour to refer to the proceedings listed in the Court's docket as *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica) Proceedings joined with Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*. In particular this Note refers to the Order of the Court dated 30 September 2013 Ref: 142552, for the opening of public hearings on the request made by Costa Rica for new provisional measures.

Nicaragua would like to point out that although it has filed a case against Costa Rica for the construction of a Road (Road 1856)¹, the damage done to the River by the construction of this road also constitutes an independent aggravation of the dispute under consideration in the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*. The damages caused by the road are an inextricable part of the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, as explained in Nicaragua's pleadings, Costa Rica's road works have caused a surge in the San Juan River's sediment load requiring Nicaragua to take active efforts, including dredging, to maintain the quality and quantity of the river's waters.

As the Court recalled in its Order of 17 April 2013:

"Both cases are based on facts relating to works being carried out in, along, or in close proximity to the San Juan River, namely the dredging of the river by Nicaragua and the construction of a road along its right bank by Costa Rica. Both sets of proceedings are about the effect of the aforementioned works on the local environment and on the free

¹ See the *Application of the Republic of Nicaragua instituting Proceedings against the Republic of Costa Rica*, 21 December 2011.



EMBASSY OF NICARAGUA
THE HAGUE

navigation on, and access to, the San Juan River. In this regard, both Parties refer to the risk of sedimentation of the San Juan River.

In the present case and in the *Nicaragua v. Costa Rica* case, the Parties make reference, in addition, to the harmful environmental effect of the works in and along the San Juan River on the fragile fluvial ecosystem (including protected nature preserves in and along the river).²

Nicaragua pointed out in its Counter Memorial of 6 August 2012 in the dispute concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)* that the construction by Costa Rica of a 160 km road running along the margin of the San Juan River constituted the most egregious violation of the Order of the Court of 8 March 2011, which indicated unanimously that:

*"(3) Each Party shall refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve"[.]*³

As the Court is aware, Costa Rica has repeatedly refused to give Nicaragua appropriate information on the road works. Indeed, it has denied that it has any obligation to prepare an Environmental Impact Assessment or to provide such a document to Nicaragua. As Nicaragua reported, it sent an international team of environmental scientists and road construction experts to inspect the River in October 2012. They confirmed that Costa Rica had not taken measures to stop or even mitigate the serious harms caused to the San Juan de Nicaragua River⁴. Furthermore, in anticipation of the second heavy rainy season since the construction of the road began, Nicaragua sent the same team on a second mission in May 2013. The second mission

² I.C.J., Order, 17 April 2013, *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, *Joinder of Proceedings*, paras. 20-21.

³ Order of 8 March 2011 concerning the Request for the Indication of Provisional Measures, para.86 (3).

⁴ G. Mathias Kondolf, Danny Hagans, Bill Weaver and Eileen Weppner, "Environmental Impacts of Juan Rafael Mora Porras Route 1856, Costa Rica, on the Río San Juan, Nicaragua," December 2012 ("Kondolf Report"),(NM, Vol. II, Annex 1).



**EMBASSY OF NICARAGUA
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underscored the urgent need for the mitigation measures previously presented by Nicaragua to the Court.

As the rainy season enters into its heaviest stage washing even greater quantities of sediment and run-off into the river's waters, Costa Rica has still not provided the necessary information to Nicaragua, nor has it taken the necessary actions along the 160 km road to avoid or mitigate the irreparable damage that is being inflicted on the river and its surrounding environment, including on navigation and the health and wellbeing of the population living along its margins.

I have the honour of drawing the attention of the Court to the fact that in the context of Costa Rica's request for a modification of the 8 March 2011 provisional measures Order of the Court⁵, Nicaragua itself made a request for a modification of the provisional measures. The Court decided not to examine Nicaragua's request because "even if the situation invoked in the *Nicaragua v. Costa Rica* case were to justify the indication of provisional measures, the appropriate method of securing that is not the modification of the Order made in the *Costa Rica v. Nicaragua* case."⁶ In accordance with this decision, Nicaragua requests not the modification of the existing measures, but the adoption of new provisional measures linked with the *Nicaragua v. Costa Rica* case.

Since Costa Rica is once more attempting to modify the provisional measures, initially adopted in *Costa Rica v. Nicaragua*, Nicaragua believes that the oral hearings that will take place from 14 to 17 October 2013 will provide an appropriate forum for the consideration of Nicaragua's request for the indication of the measures necessary in order to avoid a continued and irreparable damage to Nicaragua's rights.

⁵ *Request for the Modification of the Order of 8 March 2011* in the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*, 21 May 2013.

⁶ I.C.J., Order, 16 July 2013, *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua) / Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, *Provisional Measures*, para. 28.



**EMBASSY OF NICARAGUA
THE HAGUE**

The measures indicated below are known and will not take Costa Rica by surprise. Nicaragua has been pointing out the need for information sharing and remedial measures from the moment the road works began, and it has requested them in one way or another in both cases that have been joined and are presently before the Court.

Nicaragua, therefore, respectfully requests the Court, as a matter of urgency to prevent further damage to the River and to avoid aggravation of the dispute, to order the following provisional measures:

- (1) that Costa Rica immediately and unconditionally provides Nicaragua with the Environmental Impact Assessment Study and all technical reports and assessments on the measures necessary to mitigate significant environmental harm to the River,
- (2) that Costa Rica immediately takes the following emergency measures:
 - (a) Reduce the rate and frequency of road fill failure slumps and landslides where the road crosses the steeper hill slopes, especially in locations where failed or eroded soil materials have been or could potentially be delivered to the Río San Juan.
 - (b) Eliminate or significantly reduce the risk of future erosion and sediment delivery at all stream crossings along Route 1856.
 - (c) Immediately reduce road surface erosion and sediment delivery by improving dispersion of concentrated road runoff and increasing the number and frequency of road drainage structures.
 - (d) Control surface erosion and resultant sediment delivery from bare soil areas that were exposed during clearing, grubbing and construction activities in the last several years.



**EMBASSY OF NICARAGUA
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- (3) Order Costa Rica not to renew any construction activities of the road while the Court is seized of the present case.

Nicaragua reserves its right to amend and modify the measures sought in light of any situation that might arise.

Please accept, Excellency, the assurances of my highest consideration.

Carlos J. ARGUELLO GÓMEZ
Agent
Republic of Nicaragua

**His Excellency
Mr. Philippe Cuvreur
Registrar
International Court of Justice
Peace Palace
The Hague**

ANNEX 25

Note from the Permanent Representative of Costa Rica to the United Nations-Geneva to the Secretary General of the Ramsar Convention
Reference MPCR-ONUG/2013/534

25 November 2013

English Translation and Spanish Original

Permanent Mission of Costa Rica in Geneva

REF. MPCR-ONUG/2013-534

14.4.1

25 November 2013

Mr. Christopher Briggs
Secretary General
Ramsar Convention on Wetlands
Geneva

Dear Mr. Secretary:

I am pleased to greet you on occasion to refer to the Order of the International Court of Justice of 22 November 2013, indicating further provisional measures in the case "*Certain Activities of Nicaragua in the Border Area* (Costa Rica v. Nicaragua)".

The Court found that the construction of two new *caños* in the disputed territory, located in the Northeastern Caribbean Wetland, a Ramsar wetland of international importance, carries risks to the environment. Consequently, it has ordered Costa Rica, in consultation with the Secretariat of the Ramsar Convention, to take appropriate measures related to the two new *caños*, to the extent necessary to prevent irreparable prejudice to the environment of the disputed territory. I hereby enclose a copy of the said Order.

Accordingly, my Government has instructed me to coordinate with the Secretariat all and any action necessary to give full compliance to the Order the Court. To that end, in addition to any action taken in the coming days by the Costa Rican personnel in charge of environmental protection, in coordination with the Secretariat, my country considers it advisable that an advisory mission be also scheduled in order to carry out an on-site visit with specialists from the Ramsar Secretariat.

As a result of the Order of the Court, Costa Rica estimates that there will be no risk to the personal safety of the technicians, given that Nicaragua must withdraw all its nationals from that area, and it cannot allow the presence of military, officials or civilians in the territory.

With regard to the actions that my country will implement, it will carry out a visit to the area, where the *caños* are located, by experts who may be able to determine the degree of risk that the diversion of the river San Juan poses, on the one hand, and to make a preliminary assessment on the damage caused to the wetlands by the opening these *caños*, on the other. This visit can take place before, or together with the Ramsar mission, as the Secretary deems appropriate. My Government remains ready to any comments or observations that the Secretariat will make on these actions.

Please accept, Mr. Secretary, the assurances of my highest consideration.

Manuel Dengo
Ambassador of Costa Rica
Costa Rica Mission to the United Nations
Geneva



Misión Permanente
de Costa Rica
Ginebra

REF. MPCR-ONUG/2013-534
14.4.1

Handwritten signature and date: 25-11/13

Ginebra, 25 de noviembre de 2013

Sr. Christopher Briggs
Secretario General
Convención sobre Humedales de
Importancia Internacional (Ramsar)
Gland, Suiza

Estimado señor Secretario General,

Me es grato saludarlo en ocasión de referirme a la Orden de la Corte Internacional de Justicia, del 22 de noviembre de 2013, indicando nuevas medidas provisionales en el marco del caso “*Ciertas Actividades de Nicaragua en la zona Fronteriza (Costa Rica v. Nicaragua)*.”

La Corte ha encontrado que la construcción de dos nuevos caños en la zona en disputa, ubicada en el Humedal Caribe Noreste, un humedal Ramsar de importancia internacional, acarrea riesgos al medio ambiente. En consecuencia, ha ordenado que Costa Rica, en consulta con la Secretaría de la Convención Ramsar, tome las medidas apropiadas relacionadas con los dos nuevos caños, tanto como sea necesario para prevenir un daño irreparable al medio ambiente del territorio en disputa. Adjunto para su conocimiento copia de la referida Orden.

En consecuencia, mi Gobierno me ha instruido para coordinar con la Secretaría toda y cualquier acción necesaria a fin de dar cumplimiento pleno a lo dispuesto por la Corte. Con ese fin, mi país estima conveniente que, adicionalmente a cualquier acción que se emprenda en los próximos días por parte del personal a cargo de la protección ambiental de Costa Rica, en coordinación con la Secretaría, también se programe una misión de asesoramiento para hacer una visita *in situ*, con especialistas de la Secretaría de Ramsar.

Como resultado de lo ordenado por la Corte, Costa Rica considera que no habrá riesgos a la seguridad personal de los técnicos de Ramsar, en vista de que Nicaragua debe asegurar que todos sus funcionarios, incluidos militares, y personas privadas bajo su jurisdicción y control deben salir del área, y debe prevenir que cualquier funcionario o cualquier persona privada ingrese desde su territorio a esa área.

En cuanto a las acciones que mi país implementará, está la visita al lugar, donde se localizan los caños, por parte de técnicos que puedan determinar el grado de riesgo que el desvío de las aguas del río San Juan puede tener, por un lado, así como una estimación preliminar del daño causado al humedal por la apertura de esos caños, por el otro. Esta visita puede realizarse antes, o conjuntamente con la visita al sitio de Ramsar, según lo estime pertinente la Secretaría. Mi Gobierno queda atento a los comentarios u observaciones que la Secretaría emita sobre estas acciones.

Le ruego aceptar, señor Secretario General, las muestras de mi mayor consideración.



Manuel B. Dengo
Embajador
Representante Permanente

ANNEX 26

Note from the Secretary General of the Ramsar Convention to the
Permanent Representative of Costa Rica to the United Nations-Geneva

29 November 2013

English Translation and Spanish Original

Ramsar
Convention on wetlands
(Ramsar, Iran, 1971)

From the Secretary General

His Excellency
Manuel B. Dengo
Ambassador, Permanent Representative
Permanent Mission of Costa Rica
to the United Nations Office in Geneva
23, Avenue de France – 1202
Geneva

Gland, 29 November 2013

Ref: Communication of 25 November 2013

Your Excellency,

The Secretariat of the Ramsar Convention greets you and thanks you for the diplomatic note of 25 November 2013 in which you communicated to us the Order of the International Court of Justice of 22 November 2013, indicating new provisional measures in the Northeast Caribbean Wetland, and requesting an advisory mission for compliance with said order.

Based on the foregoing, and within the framework of the Order of the International Court of Justice, we agree on the adequacy of performing an on-site mission, as we had previously indicated, that would allow assessing the effects on the aforementioned wetland and to take the corresponding remedial measures. In addition, we do not see any inconvenience regarding a preliminary visit by Costa Rican technical experts to determine the degree of risk of an alteration of the course of San Juan River, and a preliminary estimation of the damages to the wetland caused by the channels opened.

For the preliminary visit, and for a subsequent mission with this Secretariat, we consider it necessary to receive a plan of activities to be performed, with the corresponding methodology, so as to provide adequate advisory regarding these processes.

Regarding the Ramsar Advisory Mission, the dates which are possible for the Secretariat are 10 to 14 February 2014; to comply with this we will make the necessary budget inquiries.

For the referred mission, although the communication indicates that Costa Rica considers that there will be no risks to the personal safety of Ramsar technical personnel, in view of that ordered by the Court and given our prior experience in this area, we consider it essential for you to take the corresponding steps to be able to carry out this mission in good terms.

Best regards,

(Signed)

Christopher Briggs

c.c. Mr. Rene Castro, Minister of the Environment

Ms. Ana Lorena Franco, Vice-Minister of the Environment

Mr. Jorge Gamboa, Ramsar Focal Point



CONVENTION ON WETLANDS
 CONVENTION SUR LES ZONES HUMIDES
 CONVENCION SOBRE LOS HUMEDALES
 (Ramsar, Iran, 1971)

Del Secretario General

Su Excelencia
 Manuel B. Dengo
 Embajador Representante Permanente
 Misión Permanente de Costa Rica
 ante la Oficina de Naciones Unidas en Ginebra
 23, Avenue de France - 1202
 Ginebra.

Gland, 29 de Noviembre de 2013

Ref: Comunicación del 25 de Noviembre de 2013

Su excelencia,

La Secretaria de la Convención Ramsar, le presenta atentos saludos y agradece la nota diplomática del 25 de Noviembre de 2013 mediante la cual nos informa de la Orden de la Corte Internacional de Justicia, del 22 de noviembre de 2013, indicando nuevas medidas provisionales en el Humedal Caribe Nordeste y solicita una misión de asesoramiento para dar cumplimiento a la referida orden.


Teniendo en cuenta lo anterior, y en el marco de la Orden de la Corte Internacional de Justicia coincidimos en la pertinencia de realizar una misión in situ como ya lo habíamos indicado previamente que permita evaluar la afectación en el humedal de la referencia y tomar las medidas correctivas del caso. Así mismo, no vemos inconveniente respecto a una visita preliminar de técnicos de Costa Rica para determinar el grado de riesgo que el desvío de las aguas del Río San Juan pueda tener así como una estimación preliminar del daño causado al humedal por la apertura de los caños.

Para la visita preliminar, así como para una misión posterior con esta Secretaria consideramos necesario que nos hagan llegar previo a las mismas, el plan de actividades a realizar con la metodología respectiva a fin de poder asesorar apropiadamente dichos procesos.

Respecto a la misión Ramsar de asesoramiento las fechas factibles para esta Secretaria son del 10 al 14 de Febrero de 2014 y para dar cumplimiento a la misma haremos las gestiones de presupuesto que sean necesarias.

Para la misión de la referencia si bien en la comunicación se indica que Costa Rica considera que no habrán riesgos a la seguridad del personal técnico de Ramsar, como resultado de lo ordenado por la Corte, dadas las experiencias previas en este tema consideramos indispensable que se hagan las gestiones del caso que permitan llevar a buen término dicha misión.

Con sentimiento de estima y consideración,



Christopher Briggs

c.c Sr. Rene Castro, Ministro de Ambiente y Energía
Sra. Ana Lorena Franco, Viceministra de Ambiente
Sr. Jorge Gamboa, Punto Focal Ramsar

ANNEX 27

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference DM-AM-685-13

10 December 2013

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

San José, 10 December 2013

DM-AM-685-13

Honourable Minister:

Today a mission comprised of Costa Rican personnel for the protection of the environment approached the Nicaraguan military post on the San Juan River delta with the goal of reporting their navigation on the river, in exercise of the Costa Rican right of free navigation, to reach the area where the new channels are located to perform environmental assessments to prevent irreparable damages, in conformity with the Order that indicated provisional measures issued by the International Court of Justice on 22 November. The Costa Rican personnel were travelling on a private paid vessel, in conformity with the terms of the Judgment of 13 July 2009 issued by the same Court.

The Government of Nicaragua had been notified of this action since 6 December through Note DM-AM-678-13, which also specified that it would be performed in conformity with that set forth in paragraph 59, section 2 (E) of said Order.

Unfortunately, the Costa Rican mission was prevented from continuing to travel on the San Juan River. Members of the Nicaraguan Army subjected the technical experts to an unjustified wait of over two hours, and later argued that in order to perform actions in the disputed territory coordination was required with Nicaragua's MARENA, and that entry to the site should be with technical experts of the Ramsar organization. As your government is well aware, pursuant to that set forth by the Court, Costa Rica only needs to notify your government, which it did; thus, coordination with MARENA is not applicable, just as Nicaragua failed to do when it filled the trench on the beach with the equivalent of 8000 cubic metres of sand. Furthermore, coordination with the Secretariat of the Ramsar Convention has been duly conducted, as I timely reported to you, and the navigation of its technical experts is not required for Costa Rican technical experts to do so.

Consequently, this constitutes a new violation of the Costa Rican right of free navigation on San Juan River, as well as an attempt to prevent Costa Rica from complying with the Order of the International Court of Justice. Moreover, these facts will not prevent Costa Rica from continuing to carry out the actions necessary to fully comply with that ordered by the Court, as has been reported to your country.

Based on the foregoing, my Government regrets these facts and expresses its strongest condemnation to Nicaragua for these unjustified violations of international law.

I reiterate the assurances of my highest consideration.

(Signed)

Enrique Castillo Barrantes

Honourable
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

San José, 10 de diciembre de 2013

DM-AM-685-13

Señor Ministro:

El día de hoy, una misión integrada por personal costarricense para la protección ambiental se hizo presente al puesto militar nicaragüense en el Delta del río San Juan, con la intención de reportar su navegación por dicho río en ejercicio del derecho costarricense de libre navegación para trasladarse a la zona de los nuevos caños, con el objeto de realizar valoraciones ambientales para evitar un perjuicio irreparable, de conformidad con la Providencia que indicó Medidas Provisionales, emitida por la Corte Internacional de Justicia el pasado 22 de noviembre. El personal costarricense navegaba en una embarcación privada pagada, de conformidad con los términos de la sentencia del 13 de julio de 2009 emitida por esta misma Corte.

La realización de esta acción le había sido informada al Gobierno de Nicaragua desde el pasado 6 de diciembre, mediante nota DM-AM-678-13, en la cual además se especifica que la misma se haría de conformidad con lo dispuesto en el párrafo 59, inciso 2 (E) de la citada Providencia.

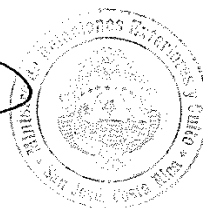
Lamentablemente la misión costarricense fue impedida de continuar su viaje por el río San Juan. Miembros del Ejército de Nicaragua sometieron a los técnicos a una espera injustificada de más de dos horas, y luego argumentaron que la realización de las acciones en la zona en disputa debía coordinarse con el MARENA de Nicaragua, y el ingreso al lugar con técnicos de la organización de Ramsar. Como su Gobierno sabe perfectamente, de conformidad con lo dispuesto por la Corte, Costa Rica solo tiene que informar a su Gobierno, lo cual se hizo, por lo que no procede realizar coordinaciones de ningún tipo con MARENA, como Nicaragua no las hizo ahora que rellenó la zanja en la playa, con el equivalente de más de 800 metros cúbicos de arena. Asimismo, la coordinación con la Secretaría de la Convención de Ramsar ha sido debidamente conducida, como le informé oportunamente, y la navegación de sus técnicos no es un requisito para que los de Costa Rica lo hagan.

Se trata por lo tanto de una nueva violación al derecho costarricense de navegación, libre y perpetua, en el río San Juan; así como un intento de impedir que Costa Rica pueda dar cumplimiento a la Providencia de la Corte Internacional de Justicia. Asimismo, esos hechos no impedirán que Costa Rica continúe realizando las acciones necesarias para dar cumplimiento pleno a lo dispuesto por la Corte, como le ha sido informado a su país.

En virtud de lo anterior mi Gobierno deplora estos hechos y eleva su más enérgica protesta ante el de Nicaragua por estas injustificables violaciones del derecho internacional.

Sin otro particular, le reitero las seguridades de mi consideración.


Enrique Castillo Barrantes
Ministro



Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

ANNEX 28

Note from the Permanent Representative of Costa Rica to the United Nations-Geneva to the Secretary General of the Ramsar Convention
Reference MPCR-ONUG-2014-190

26 March 2014

English Translation and Spanish Original

Permanent Mission of Costa Rica in Geneva

REF. MPCR-ONUG/2014-190

14.4.1

Geneva, 26 March 2014

Mr. Christopher Briggs
Secretary-General
Convention on Wetlands of
International Importance (Ramsar)
Gland, Switzerland

Honourable Secretary General,

I have the honour of addressing you in relation to the ruling of the International Court of Justice through the Order of 22 November 2013, and in conformity with provisional measure number 6.

As you are aware, from 10 to 12 December 2013 a group of technicians coordinated by MINAE performed an inspection visit for a preliminary assessment of the impact caused by the opening of two new channels at Isla Portillos. In this regard, I am attaching the Preliminary Report regarding the “Assessment of environmental damage caused by the Government of Nicaragua by constructing new artificial *caños* at the north end of Isla Portillos in September 2013.”

Please accept the assurances of my highest consideration.

Manuel B. Dengo
Ambassador
Permanent Representative



*Misión Permanente
de Costa Rica
Ginebra*

27 MAR 2014

REF. MPCR-ONUG/2014-190
14.4.1

Ginebra, 26 de marzo del 2014

Sr. Christopher Briggs
Secretario General
Convención sobre Humedales de
Importancia Internacional (Ramsar)
Gland, Suiza

Estimado señor Secretario General,

Me es grato saludarlo en ocasión de referirme a la disposición de la Corte Internacional de Justicia, mediante la Providencia del 22 de noviembre de 2013, y de conformidad con la medida provisional número 6.

Como es de su conocimiento del 10 al 12 de diciembre 2013, un grupo de técnicos coordinado por el MINAE realizó una visita de inspección para valorar preliminarmente el impacto ocasionado por la apertura de los dos nuevos caños en la Isla Portillos, a este efecto me permito hacerle llegar el Informe Preliminar sobre la "Valoración de los daños ambientales ocasionados por el Gobierno de Nicaragua, en los canales artificiales abiertos en el extremo norte de Isla Portillos en septiembre del 2013".

Le ruego aceptar, señor Secretario General, las muestras de mi mayor consideración.



Manuel B. Dengo
Embajador
Representante Permanente

*Recibido 27 Mar 2014
Ginebra*

ANNEX 29

Note from the Secretary General of the Ramsar Convention to the
Permanent Representative of Costa Rica to the United Nations-Geneva
Reference SG2014-103/CHB/MAR

7 May 2014

English Translation and Spanish Original

**RAMSAR
CONVENTION ON WETLANDS**

From the Secretary General

H. E. Manuel Dengo Ambassador
Permanent Representative
Costa Rican Mission before the
United Nations Office and other
International Organizations in Geneva
Avenue de France 23
1202 Geneva, Switzerland

Gland, 7 May 2014
SG2014-103/CHB/MAR

Your Excellency,

Firstly, I take the opportunity to confirm receipt of note MPCR-ONUG/2014-241 of 11 April 2014, in which you indicate that the report “Assessment of environmental damage caused by the Government of Nicaragua by constructing new artificial caños at the north end of Isla Portillos in September 2013” delivered along with note MPCR-ONUG/2014-190 of 26 March 2014 corresponds to the final report or definitive version thereof.

Similarly, we thank you for your communication of 10 April 2014 whereby you remit a copy of the note of 24 March, with reference DVM-052 of 2014, address by the Vice-Minister of the Environment, with regard to the land survey requested by this Secretariat.

We take note that the generation of topography with a high level of detail is not possible through aerial photographs, and that therefore the only alternative is to perform a topographic survey on the field, which may take some time to carry out. In this regard, considering the relevance of this topic to make decisions regarding the recovery of the site, please find attached the guidelines to perform it when possible.

Considering the above, the Secretariat will send the report of the mission with the recommendations in this case, as soon as possible with the available information.

Furthermore, regarding the satellite image of 12 April sent by email on 25 April indicating that:

- a) It seems that the narrow spit of land which separated the San Juan River from the entrance on the Eastern side of the new *caño* has given way, and although it is not yet the season when the water level of San Juan River increases, water and sediments are flowing from the river to the disputed area, moving through internal channels to two small lagoons next to the beach, more toward the east.
- b) There is a high risk that when the San Juan River’s water flow increases the river will flow out through the new *caño*, especially now that the mouth of river to the Caribbean Sea seems to have closed.

The Secretariat has reviewed the referenced image, and from it we can only infer that the San Juan River is in a hydrological condition of low water level, although we can still observe the connection to the Caribbean Sea. In this hydrological scenario, the influence of the waters of the San Juan River on the East caño is restricted to partially flooding the caño, without an apparent influence on the lagoon located on the beach.

Notwithstanding the foregoing, and considering the lack of hydrological information that would allow to adequately analyze the change dynamics, and thus the potential connection of the San Juan River with the Caribbean Sea through the East Caño, we propose implementing, following the principle of precaution, a systematic monitoring to verify the real behavior of the area.

This monitoring should include obtaining aerial photographs and/or satellite images, on a monthly basis, for the entire length of the East Caño, between the San Juan River and the beach, to be sent to this Secretariat. In addition, we strongly suggest implementing and maintaining a continuous record of the river levels for the Colorado River (upstream, and downstream where it joins San Juan River).

Finally, we appreciate that all communications regarding this topic be carried out through the corresponding diplomatic channels.

Please accept the assurances of my highest consideration,

(Signed)

Christopher Briggs

c.c. Ana Lorena Guevara. Vice-Minister of the Environment
Jorge Gamboa. Administrative Authority and Ramsar Focal Point

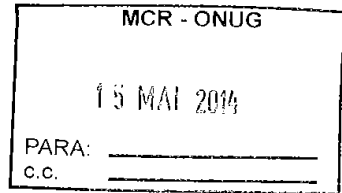
Guidelines for Topographic Survey of the East Caño

Required topographic and bathymetric information of the East Caño sector:

- 1) The area of the land survey corresponds to the East Caño, including the lagoon that connects that caño to the beach. The limits of the area extend from the bank of San Juan River to the edge of the beach.
- 2) It is necessary to perform a topographic survey of the entire border of the East caño, including the lagoon, with a maximum distance of 10 meters between each point in the measurement.
- 3) It is necessary to perform a bathymetric survey of the East caño and the lagoon, in transversal sections with a maximum distance of 25 m between sections, and soundings with a maximum distance of 5 m, from San Juan River to the border of the beach.
- 4) The topography and bathymetry must be referenced to a marker with official Costa Rican coordinates.



CONVENTION ON WETLANDS
CONVENTION SUR LES ZONES HUMIDES
CONVENCIÓN SOBRE LOS HUMEDALES
(Ramsar, Fran, 1971)



Del Secretario General

S. E
Manuel Dengo
Embajador
Representante Permanente
Misión de Costa Rica ante la
Oficina de las Naciones Unidas y otras
Organizaciones Internacionales en Ginebra
Avenue de France 23
1202 Ginebra, Suiza

Gland, 7 de Mayo de 2014
SG2014-103/CHB/MAR

Su excelencia,

En primer término aprovecho la ocasión para confirmar el recibido de la nota MPCR-ONUG/2014-241 del 11 de abril de 2014 mediante la cual nos indican que el informe "Valoración de los daños ambientales ocasionados por el Gobierno de Nicaragua mediante la construcción de nuevos caños artificiales abiertos en el extremo norte de Isla Portillos en Septiembre de 2013" entregado con la nota MPCR-ONUG/2014-190 del 26 de marzo de 2014 corresponde al informe final o versión definitiva del mismo.

De igual manera agradecemos su comunicación del 10 de Abril de 2014 mediante la cual hace llegar copia de la nota del 24 de Marzo con referencia DVM-052 de 2014 que dirigirá la Viceministra de Ambiente referente al levantamiento topográfico solicitado por esta Secretaria.

Hemos tomado nota que la generación de topografía a un nivel de detalle alto no es posible a través de fotografías aéreas y que por lo tanto la única alternativa es realizar un levantamiento topográfico en el campo lo cual puede tomar un tiempo en su realización. En este sentido, dada la relevancia de este tema para la toma de decisiones para la recuperación del sitio anexo se encuentran los lineamientos para su realización en el momento que sea posible.

Teniendo en cuenta lo anterior, la Secretaria enviará el reporte de la misión con las recomendaciones del caso, lo más pronto posible con la información disponible.

De otra parte, respecto a la imagen de satélite del 12 de abril enviada por email el 25 de abril con las indicaciones:

- a) Que en apariencia la barrera angosta de terreno que separaba el río San Juan de la entrada más al este al caño nuevo se ha roto, y que actualmente, a pesar de que todavía no es la

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época del crecida del río San Juan, están entrando agua y sedimentos del río hacia el interior de la zona en disputa, trasladándose a través de los caños internos hacia dos pequeñas lagunas junto a la playa, más hacia el este.

- b) Existe un alto riesgo de que con una crecida de las aguas del San Juan, el río se salga por el nuevo canal, particularmente ahora que la salida del río propiamente al Mar Caribe parece haberse cerrado.

La Secretaria ha hecho la revisión de la imagen de la referencia y con la misma solo se puede inferir que el río San Juan se encuentra en una condición hidrológica de aguas bajas, aun cuando todavía se observa conexión con el Mar Caribe. En este escenario hidrológico, la influencia de las aguas del río San Juan sobre el Caño Este se restringen a inundar parcialmente el caño, sin influencia aparente sobre la laguna localizada hacia la playa.

No obstante lo anterior, y considerando la falta de información hidrológica que permita analizar adecuadamente la dinámica de cambio y por ende, la potencial conexión del río san Juan con el Mar Caribe, a través del Caño Este, proponemos implementar atendiendo al principio de precaución un monitoreo sistemático para verificar el comportamiento real del área.

El monitoreo deberá incluir la obtención de fotografías aéreas y/o imágenes satelitales, con frecuencia mensual en toda la extensión del Caño Este, entre el río San Juan y la playa para que sean enviadas a esta Secretaría. Adicionalmente, se sugiere fuertemente implementar y mantener un registro continuo de caudales del río Colorado (aguas arriba y abajo de la confluencia con el río San Juan).

Finalmente, agradecemos que todas las comunicaciones sobre este tema se hagan a través de los canales diplomáticos correspondientes.

Con sentimiento de estima y consideración,



Christopher Briggs

c.c. Ana Lorena Guevara. Viceministra de Ambiente
Jorge Gamboa. Autoridad Administrativa y Punto Focal Ramsar

Lineamientos para el Levantamiento Topográfico en el Caño Este

Requerimiento de información topográfica y batimétrica sector Caño Este:

- 1) El área de levantamiento corresponde al Caño Este, incluyendo la laguna que conecta el caño con la playa. Los límites del área se extienden desde la ribera del río San Juan hasta el borde de la playa.
- 2) Se requiere realizar el levantamiento topográfico de todo el borde del caño Este, incluyendo la laguna, con un distanciamiento máximo de 10 metros entre cada punto de medición.
- 3) Se requiere realizar el levantamiento batimétrico del Caño Este y la laguna, en secciones transversales con un distanciamiento máximo de 25 m entre las secciones y sondajes con un distanciamiento máximo de 5 m, desde el río San Juan hasta el borde de la playa.
- 4) La topografía y batimetría deben estar amarradas a un mojón con coordenadas oficiales de Costa Rica.

ANNEX 30

Note from the Permanent Representative of Costa Rica to the United Nations-Geneva to the Secretary General of the Ramsar Convention
Reference MPCR-ONUG/2014/407

18 June 2014

English Translation and Spanish Original

PERMANENT MISSION OF
COSTA RICA IN GENEVA

RF. MPCR-ONUG/2014-407

14.4.1

Geneva, 18 June 2014

Mr. Christopher Briggs
Secretary General
Convention on Wetlands of
International Importance (Ramsar)
Gland, Switzerland

Dear Secretary General,

I am writing with reference to your note SG2014-103/CHB/MAR dated 7 May of the current year, to which the document “Guidelines for the Topographic Survey at *Caño Este*” was appended, and also suggests a systematic monitoring of the area of the *caño este*, as well as implementing a continuous record of the volume of flow of Río Colorado.

I would like to thank you for this note and also indicate that, in conformity with the recommendation of this General Secretariat, the Government of Costa Rica will try to perform a topographic and bathymetric survey of the new *caño*, following the guidelines established for this purpose. However, it is worth noting that the difficulties to access the area through the San Juan River due to Nicaragua’s impediment of Costa Rican navigation, as well as the difficulty of transiting the area due to its topography, are significant logistical challenges for this mission. Nevertheless, the Government of Costa Rica will make the efforts necessary to be able to carry out this goal.

In relation to the systematic monitoring, in fact, the Ministry of Foreign Affairs has maintained for several years now a contract with a satellite images vendor to regularly monitor the area. However, since we are working with optical images, these are subject to the weather conditions of the area, specifically its characteristically high cloudiness. Under this premise, the Ministry will gladly provide the Ramsar General Secretariat with all images obtained as they become available.

Regarding the suggestion to implement and maintain a continuous record of the volume of flow of Río Colorado, I am also pleased to inform you that since December 2010 Costa Rica has been performing periodic measures of the volume of flow of said river. I am attaching to this note a table with the results of said measurements, which cover the period from December 2010 to April 2014. It is important to clarify that Costa Rica is unable to perform measurements upstream from the Colorado Delta, since these are waters of the San Juan River.

Finally, I would like to reiterate that Costa Rica expects to receive as soon as possible the report of the Advisory Mission of this General Secretariat with the recommendations that Costa Rica must implement to comply with that ordered by the International Court of Justice in its Order of 22 November 2013.

Please accept, Secretary, the assurances of my highest consideration.

Manuel Dengo
Ambassador
Permanent Representative

Tel. (4122) 731 2587

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23, Avenue de France 1202
Geneva, Switzerland
mission.costa-rica@ties.itu.int



*Misión Permanente
de Costa Rica
Ginebra*

REF. MPCR-ONUG/2014-407
14.4.1

Ginebra, 18 de junio de 2014

Sr. Christopher Briggs
Secretario General
Convención sobre Humedales de
Importancia Internacional (Ramsar)
Gland, Suiza

Estimado señor Secretario General,

Me es grato saludarlo en ocasión de referirme su nota SG2014-103/CHB/MAR de fecha 7 de mayo del corriente, a la cual se anexa el documento titulado "Lineamientos para el Levantamiento Topográfico en el Caño Este", y se sugiere además un monitoreo sistemático del área de este caño, así como implementar un registro continuo de caudales del río Colorado.

A la vez que agradezco su nota, me permito indicarle que, de conformidad con la recomendación de esta Secretaría General, el Gobierno de Costa Rica procurará realizar un levantamiento topográfico y batimétrico del caño nuevo, siguiendo los lineamientos establecidos al efecto. Debo hacer la observación, sin embargo, que las dificultades de acceso a la zona por el río San Juan debido a los impedimentos de Nicaragua a la navegación costarricense, al igual que la dificultad para transitar por la zona debido a su topografía, presentan retos logísticos importantes para esta misión. No obstante, el Gobierno de Costa Rica hará los esfuerzos necesarios para poder llevar a cabo este objetivo.

En relación con el monitoreo sistemático, en efecto, el Ministerio de Relaciones Exteriores y Culto mantiene desde hace algunos años un contrato con un proveedor de imágenes satelitales para el monitoreo regular de la zona. Sin embargo, dado que se trabaja con imágenes ópticas, éstas quedan sujetas a la situación climatológica de la zona, en particular la alta nubosidad que la caracteriza. Bajo esta premisa, el Ministerio con gusto le facilitará a la Secretaría General de Ramsar todas las imágenes que se vayan obteniendo, conforme estén disponibles.

En cuanto a la sugerencia de implementar y mantener un registro continuo de caudales del río Colorado, también me complace informarle que desde diciembre de 2010 Costa Rica viene realizando mediciones periódicas del caudal de dicho río. Adjunto a esta nota una tabla con los resultados de dichas mediciones, que abarca el período de diciembre de 2010 hasta abril de 2014. Se debe hacer la aclaración de que para Costa Rica no es posible realizar mediciones aguas arriba del Delta del Colorado, por tratarse de aguas del río San Juan.

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Finalmente, le reitero que Costa Rica espera a la brevedad posible el informe de la misión de asesoramiento de esta Secretaría General, con las recomendaciones que Costa Rica deberá implementar para dar cumplimiento a lo ordenado por la Corte Internacional de Justicia en su Providencia del 22 de noviembre de 2013.

Le ruego aceptar, señor Secretario, las muestras de mi mayor consideración.



Manuel B. Dengo
Embajador
Representante Permanente



Instituto Costarricense de Electricidad-Proyectos y Servicios Asociados
Estudios Básicos de Ingeniería - Hidrología
 Periodo del 2010-2014

ESTACION : 11 04

Caudales promedio diarios m³/s

Año	Día	Ene	Feb	Mar	Abr	May	Jun	Jul	Ago	Sep	Oct	Nov	Dic
2010	01												
	02												719
	03												688
	04												637
	05												837
	06												749
	07												619
	08												592
	09												599
	10												865
	11												1058
	12												1150
	13												1330
	14												1563
	15												1394
	16												1095
	17												
	18												
	19												
	20												
	21												
	22												
	23												
	24												
	25												
	26												
	27												
	28												
	29												
	30												
	31												

2011 01	891	446	1112	ND	543	864	990	1222	980	1073	ND	1690
02	870	445	1178	ND	546	867	1055	1240	910	1135	ND	1936
03	1130	450	778	ND	556	1037	996	1224	1141	1319	ND	1584
04	946	464	601	ND	560	997	1043	1186	1254	1187	ND	1409
05	885	458	512	ND	743	894	988	1036	1147	1083	ND	1347
06	1034	477	462	ND	1411	911	911	986	1180	1087	ND	1326
07	848	451	426	ND	1170	881	879	966	1143	1056	ND	1258
08	738	430	401	ND	941	772	943	949	1091	1098	ND	1207
09	667	438	384	ND	1263	717	919	968	1077	1309	ND	1172
10	620	428	377	ND	1185	690	906	954	1000	1345	ND	1140
11	656	399	360	ND	1055	656	897	948	971	1374	ND	1299
12	1080	385	350	ND	949	658	1019	936	952	1380	ND	2301
13	1418	442	348	ND	924	666	1202	931	1078	1366	ND	2774
14	1603	643	ND	611	952	784	1405	992	1052	1287	ND	2905
15	1878	947	ND	595	875	993	1357	1019	944	1183	ND	2898
16	1869	967	ND	587	816	1109	1443	1200	918	1167	ND	2653
17	1520	724	ND	587	754	1137	1585	1258	1010	1102	1630	2162
18	1143	615	ND	572	671	959	1491	1142	1087	1078	1541	2407
19	907	563	ND	569	646	979	1484	1105	1083	1055	1427	1927
20	771	508	ND	578	648	928	1263	1007	1099	1063	1340	1607
21	686	494	ND	565	610	1072	1144	977	1038	1229	1427	1450
22	629	469	ND	563	611	1004	1099	1016	947	1459	1611	1405
23	586	419	ND	551	749	959	1256	1012	888	1301	1691	1434
24	548	397	ND	548	705	956	1434	989	914	1242	1841	1602
25	523	387	ND	546	635	1025	1239	972	1037	1161	2518	1688
26	503	430	ND	539	606	1010	1133	964	1111	1055	2738	1445
27	498	482	ND	542	594	996	1036	998	1127	ND	2494	1366
28	486	711	ND	567	587	873	974	977	1017	ND	2065	1252
29	480		ND	564	630	884	1263	1082	938	ND	1903	1246
30	497		ND	558	681	965	1369	1004	970	ND	1769	1201
31	458		ND	698			1203	964		ND		1140

2012 01	1120	846	739	ND	ND	624	1221	732	1402	941	1263	1197	2285
02	1129	840	709	ND	ND	639	1037	780	1345	891	1209	1227	1865
03	1147	827	694	ND	ND	656	1021	767	1294	876	1023	1225	1705
04	1196	823	679	ND	ND	669	989	837	1114	902	1054	1146	1515
05	1570	805	1044	ND	ND	667	848	1215	1052	873	1033	1024	1457
06	1804	798	1589	ND	ND	691	835	1189	983	1013	1170	929	1451
07	1835	801	1261	ND	ND	651	818	1060	1016	949	1047	1112	1301
08	1409	809	970	ND	ND	653	841	979	1050	925	941	1289	1214
09	1246	1017	860	ND	ND	668	793	1077	1018	1027	952	2044	1172
10	1149	942	780	ND	ND	606	838	1271	1006	1167	988	2677	1070
11	1076	834	751		624	603	918	1195	1164	1087	929	2370	1033
12	1030	802	758	601	589	591	1523	1053	1151	1114	873	1882	1052
13	1002	794	750	589	589	592	1928	1019	1073	996	873	1591	1117
14	1003	774	755	580	580	647	1436	1039	1067	937	966	1886	1055
15	1052	761	778	573	573	795	1160	998	1124	959	1199	2351	1091
16	1233	751	809	565	565	935	1004	997	1426	1083	1109	1653	1106
17	1272	742	831	604	604	819	905	1038	1440	1211	959	1703	1003
18	1176	738	861	740	740	692	966	950	1228	1073	937	2182	927
19	1073	734	824	820	820	638	902	1261	1116	973	1044	1712	875
20	1012	728	764	822	822	616	821	1902	1080	945	1065	1799	838
21	989	740	725	790	790	723	823	1827	1020	902	1177	2518	857
22	957	729	707	746	746	765	784	1526	1005	887	1167	2716	1081
23	926	712	698	720	720	706	807	1378	1155	904	1239	2327	1207
24	903	699	688	735	735	768	864	1418	1057	1203	1066	1773	1511
25	896	700	678	685	685	943	848	1764	957	1067	972	1513	1679
26	883	800	658	672	672	859	748	1641	1260	965	913	1832	1620
27	873	894	646	644	644	862	709	1406	1176	944	885	1966	1218
28	865	760	686	686	686	821	712	1970	997	993	907	1714	1460
29	848	739	739	652	652	846	723	2543	963	1021	857	2228	1662
30	859			610	610	1169	737	2215	954	1065	839	2563	1594
31	864					1265		1596	1013		897		1769

2013 01	1722	570	455	489	356	769	1559	2014	960	1227	971	1795
02	1551	569	483	729	346	683	1201	1639	1015	1089	973	1628
03	1311	569	561	659	341	623	992	1575	838	1496	949	1389
04	1147	555	735	543	396	566	886	2189	769	1458	928	1206
05	1047	541	676	496	432	618	929	2158	746	1119	941	1078
06	975	531	666	570	355	562	856	1635	800	1081	912	991
07	911	519	937	510	326	632	928	1444	904	1093	892	945
08	854	512	1570	457	314	558	1171	1171	919	1122	906	895
09	823	505	1833	432	301	515	929	1039	835	957	1029	860
10	804	495	1325	453	310	537	908	952	988	884	1158	831
11	806	488	971	442	384	575	966	897	990	907	1172	803
12	781	481	772	420	426	555	1011	849	1255	885	1045	798
13	745	483	699	411	464	578	884		1197	904	1173	899
14	723	478	675	394	620	959	838	1017	1056	984	1092	953
15	700	502	705	395	563	1153	773	929	990	890	1047	930
16	685	500	641	387	522	1230	768	842	1003	1036	1158	896
17	676	495	588	397	459	1063	724	849	1209	1052	1189	1114
18	679	480	549	476	405	871	763	918	1001	1054	1073	1213
19	710	509	535	475	386	1408	877	873	1130	1033	1005	1155
20	705	503	517	456	478	1706	1004	780	1091	1108	916	1039
21	702	487	499	444	528	1447	847	796	967	1265	872	928
22	665	486	481	430	615	1076	842	828	914	1115	877	867
23	656	469	469	ND	648	985	1235	784	946	1196	867	824
24	653	483	457	ND	564	998	1322	865	876	1099	851	785
25	645	482	450	ND	619	937	1345	982	936	1106	952	756
26	670	481	439	356	581	1403	2233	968	997	1141	952	742
27	631	478	422	351	578	1259	2335	822	1619	1173	891	719
28	593	476	407	342	603	1177	1889	1159	1206	1191	1227	699
29	575		466	331	555	964	1852	1076	941	1244	2054	693
30	570		586	333	710	1254	1685	917	1371	1201	1688	688
31	577		512		699		1875	873		1045		697

2014 01	688	579	447	300
02	699	567	449	294
03	704	559	414	292
04	688	555	432	292
05	655	543	416	301
06	642	533	408	302
07	637	522	408	304
08	655	516	400	296
09	653	532	397	296
10	697	553	394	375
11	779	564	392	613
12	675	594	379	515
13	636	569	376	431
14	640	524	371	370
15	637	506	357	340
16	623	502	356	327
17	895	488	354	325
18	1013	476	354	302
19	768	470	349	302
20	1007	461	350	311
21	1243	456	360	365
22	1021	453	355	415
23	1016	443	346	380
24	961	439	356	353
25	816	437	352	334
26	733	438	351	326
27	685	429	346	507
28	650	427	329	627
29	631		319	
30	608		322	
31	596		315	

ND: no hay dato

ANNEX 31

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-0334-14

11 July 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

11 July 2014
DM-AM-0334-14

Honourable Minister,

I have the honour of addressing you with reference to the public announcement made by your country's Government regarding the construction of an interoceanic canal in Nicaragua.

As expressed by Costa Rica to your Government on 21 May 2013 through note DM-AM-269-13, my country respects Nicaragua's decision to build infrastructure works in its territory that promote the social and economic development of all Nicaraguans. Nonetheless, the construction of an interoceanic canal must comply with the international obligations which Nicaragua has, in this case with Costa Rica, in conformity with the instruments that govern our relations.

Consequently, Costa Rica expects Nicaragua to provide, before beginning any work, the transboundary environmental impact study and any other pertinent technical study that confirms that Costa Rica will not be affected. Specifically, it must confirm that the water volume of the Colorado River will not be affected as a consequence of a possible decrease in the water volume of the San Juan River and, incidentally, that it will not affect the perpetual right to free navigation that Costa Rica has on the San Juan River, pursuant to the Cañas-Jerez Treaty of Limits of 1858, the Cleveland Award of 1888 and the Judgment of the International Court of Justice of 13 July 2009.

Similarly, Costa Rica expects that in the transboundary environmental impact assessment which Nicaragua will probably carry out or has already carried out, it will estimate the potential sediment contributions that the Colorado River will receive in relation to the massive dredging which –according to available information- will be performed on Lake Nicaragua. Furthermore, that it will report the measures which Nicaragua is taking to prevent accidents, such as potential oil spills by vessels that it has been announced will dredge the Canal, which could affect the Costa Rican environment if such spills were to reach the San Juan River and consequently Costa Rica's right bank of said river and the Colorado River.

My country considers that Nicaragua will provide a good sign of its willingness to comply with the highest international standards on the protection of the environment, and of its genuine commitment to thoroughly observe its international obligations, by presenting Costa Rica this and any other information that complies with said obligations.

I take this opportunity to reiterate the assurances of my highest consideration.

Manuel González Sanz

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

San José, 11 de julio de 2014

DM-AM-0334-14

Señor Ministro,


Tengo el honor de dirigirme a usted con ocasión de referirme al anuncio público hecho por el Gobierno de su país sobre la construcción de un canal interoceánico en Nicaragua.

Tal y como Costa Rica lo expresara a su Gobierno el 21 de mayo de 2013 mediante la nota DM-AM-269-13, mi país respeta la decisión de Nicaragua de construir obras de infraestructura en su territorio que conduzcan al desarrollo social y económico de todos los nicaragüenses. No obstante, la construcción de un canal interoceánico debe cumplir con las obligaciones internacionales que Nicaragua tiene, en este caso con Costa Rica, de conformidad con los instrumentos que gobiernan nuestras relaciones.

En consecuencia, Costa Rica espera que Nicaragua le transmita, antes de iniciar cualquier obra, el estudio de impacto ambiental transfronterizo y cualquier otro estudio técnico pertinente, que acredite que no se afectará a Costa Rica. En particular, se debe acreditar que no se afectará el volumen de aguas del río Colorado como consecuencia de una posible disminución del volumen de aguas del río San Juan, y que incidentalmente no se afectará el derecho perpetuo de libre navegación que Costa Rica tiene sobre el río San Juan, con arreglo a lo dispuesto por el Tratado de Límites Cañas-Jerez de 1858, el Laudo Cleveland de 1888 y el fallo de la Corte Internacional de Justicia del 13 de julio de 2009.

De igual manera, Costa Rica espera que en el estudio de impacto ambiental transfronterizo que seguramente Nicaragua ha realizado o realizará, se estimen los potenciales aportes de sedimento que el río Colorado recibiría con ocasión del dragado masivo que —según la información disponible— se haría en el Lago de Nicaragua. Asimismo, que se informe sobre las previsiones que Nicaragua está tomando para evitar que accidentes, como el potencial derrame de petróleo de los barcos que se ha anunciado surcarán el Canal, puedan tener sobre el medio ambiente costarricense, en caso de que derrames llegasen a alcanzar el río San Juan y, por consiguiente, la ribera derecha de Costa Rica y al río Colorado.

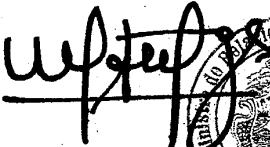
Mi país estima que Nicaragua dará una buena señal sobre su deseo de cumplir con los más altos estándares internacionales de protección ambiental, así como de su genuino compromiso por



14/07/14
02:27 p.m.



observar escrupulosamente sus obligaciones internacionales, al transmitir a Costa Rica ésta y cualquier otra información que cumpla con dichas obligaciones.

Aprovecho la oportunidad para reiterarle las muestras de mi mayor consideración.


Manuel González Sáenz



Excelentísimo Señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

ANNEX 32

Note from the Acting Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-348-14

17 July 2014

English translation and Spanish original

The Minister of Foreign Affairs and Worship

San José, 17 July 2014
DM-AM-348-14

Dear Minister:

I am addressing you in relation to the case “Certain activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)” before the International Court of Justice.

In compliance with the Order issued by the International Court of Justice on 22 November 2013, with the purpose of taking the measures necessary to prevent irreparable damage, and in coordination with the Secretariat of the Ramsar Convention, a technical team comprised of Costa Rican personnel for the protection of the environment will be entering the disputed area during the next few days, specifically where Nicaragua built artificial channels.

The goal of this visit is to gather technical information which the Costa Rican environmental authorities require before defining the concrete measures to be carried out, in conformity with the proposal that Costa Rica has been coordinating with the Ramsar Secretariat which, once finalized, will be communicated to your country. This entry will be subject to the weather conditions in the area, and will be performed by means of a civilian helicopter.

I take this opportunity to reiterate the assurances of my highest consideration.

(Signed)
Eduardo Trejos Lalli
Acting Minister

Honourable Mr. Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

(Signed received 17/07/14)

El Ministro de Relaciones Exteriores y Culto

San José, 17 de julio de 2014

DM-AM-348-14

Señor Ministro:

Me dirijo a usted en ocasión de referirme al caso “*Ciertas Actividades de Nicaragua en la zona Fronteriza (Costa Rica v. Nicaragua)*” ante la Corte Internacional de Justicia.

En cumplimiento de la Providencia emitida por la Corte Internacional de Justicia el 22 de noviembre de 2013, con el objeto de tomar medidas necesarias para evitar que se cause un daño irreparable, y en coordinación con la Secretaría de la Convención Ramsar, un equipo técnico integrado por personal costarricense para la protección ambiental, estará haciendo ingreso a la zona en disputa en el curso de los próximos días, específicamente donde Nicaragua construyó caños artificiales.

El objeto de la visita es recabar información técnica que las autoridades ambientales costarricenses requieren de previo a la definición de las medidas concretas que se deberán llevar a cabo, de conformidad con la propuesta que Costa Rica ha venido coordinando con la Secretaría de la Convención de Ramsar, y que, cuándo esté finalizada, se le informará a su país. Dicho ingreso está sujeto a las condiciones meteorológicas imperantes en la zona, y se hará por medio de un helicóptero civil.

Aprovecho la ocasión para reiterar las seguridades de mi consideración.


Eduardo Trejos Lalli
Ministro a.i.



Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Recb. 17/07/14
10:15 am
D. T. J. A. 10

ANNEX 33

Note from the Minister of Foreign and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-0373-14

24 July 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

San José, 24 July 2014
DM-0373-14

Honourable Minister:

As your Government knows, Costa Rica has a perpetual right of free navigation on the San Juan River, established by the Cañas–Jerez Treaty of Limits, recognized by the Cleveland Award of 1888 and by the decision of the International Court of Justice of 13 July 2009. This right includes that riparian residents can freely navigate on it, as set forth by the International Court of Justice in paragraph 156 of its judgment.

On 26 June a Costa Rican who owns a property close to the Costa Rican bank of the San Juan River, in the area of Las Chorreras de Cutris, hired a boat to transfer a group of people from a local agricultural cooperative, of which the former is also a member, called Coopeagrotur R.L., to transport them from Boca de San Carlos to his property. To do this they had to navigate on the San Juan River, where Costa Rica has perpetual rights of free navigation. The purpose of the visit was to provide support to the owner of the property for the development of an agro-tourism project.

Upon reaching the post of the Nicaraguan Army at the mouth of the San Carlos River, shortly after nine o'clock of that day, they were forced to disembark with their belongings. All of them identified themselves with their identity cards. However, a representative of the army of your country stopped them for 45 minutes, searched their wallets, purses and other belongings, including mobile phones. They were also questioned about whether they were officials of the Government of Costa Rica, and in spite of the explanations offered by the affected persons, that they were headed to a property on Costa Rican land and were not Costa Rican Government officials, they demanded the presentation of a work permit, which Costa Rica does not issue. They were then denied navigation. The Costa Ricans returned to national territory of Costa Rica.

Costa Rica believes that the denial of the right of navigation and the search of personal belongings are contrary to the right of free navigation on the San Juan River which Costa Rica has pursuant to the Treaty of Limits of 1858, the Award of 1888 and the referred Judgment from 2009. Therefore, my Government presents its formal protest regarding those facts.

My country also calls to the attention of your Government the fact that, even if those people had been Costa Rican government officials, in accordance with the aforementioned Judgment of the International Court of Justice they would also be entitled to free

navigation if they are paying for the transportation service or, when applicable, when the purpose is to provide services to the coastal inhabitants.

Similarly, on Saturday 19 July, at the same post of the Nicaraguan Army, located opposite the town of Boca de San Carlos, two Costa Ricans, who transported goods to Costa Rican territory using a boat which they paid for the service, were detained. My country understands that those Costa Ricans had legally acquired the transported goods. Costa Rica requires Nicaragua to provide the reasons for the detention of these Costa Rican citizens.

My Government is confident that these events will not be repeated and that Nicaragua will take the necessary actions to guarantee the right of free Costa Rican navigation on the San Juan River.

I take this opportunity to reiterate the assurances of my highest consideration.

Manuel A. González Sanz
Minister

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

CC/consecutive

El Ministro de Relaciones Exteriores y Culto

San José, 24 de julio de 2014


DM-0373-14

Excelentísimo señor Ministro:

Como su Gobierno conoce, Costa Rica tiene derecho al ejercicio perpetuo de libre navegación en el Río San Juan, establecido por el Tratado de Límites Cañas-Jerez, reconocido por el Laudo Cleveland de 1888 y el fallo de la Corte Internacional de Justicia de 13 de julio de 2009. Este derecho incluye que los habitantes ribereños puedan navegarlo libremente, como dispuso la Corte Internacional de Justicia en el párrafo 156 de su fallo.

El 26 de junio pasado, un costarricense que posee una propiedad cerca de la margen costarricense del Río San Juan, en la zona de Las Chorreras de Cutris, contrató una embarcación para trasladar a un grupo de personas de una cooperativa agrícola local, de la cual esa persona también es miembro, denominada Coopeagrotur R.L., para transportarles de Boca de San Carlos hasta su propiedad. Para ello, debían navegar por el Río San Juan, donde Costa Rica tiene derechos perpetuos de libre navegación. El propósito de esa visita era brindar apoyo al poseedor de la propiedad para el desarrollo de un proyecto agro-turístico.

Al llegar al puesto del Ejército de Nicaragua en Boca del Río San Carlos, poco después de las nueve de la mañana de ese día, se les obligó a desembarcar con sus pertenencias. Todos se identificaron con su cédula de identidad. No obstante, un personero del Ejército de su país les detuvo por unos 45 minutos, les requisaron sus billeteras, bolsos y otras pertenencias, incluidos teléfonos celulares. También se les interrogó si eran funcionarios del Gobierno de Costa Rica. A pesar de las explicaciones de los afectados, en el sentido de que se dirigían a una propiedad en territorio costarricense y que no eran funcionarios públicos costarricenses, les exigieron la presentación de un carné de trabajo, documento que, en Costa Rica, no se emite. Luego se les denegó la navegación. Los costarricenses regresaron a territorio nacional de Costa Rica.

 29/07/14
09:10 a.m.
U.S.

Costa Rica considera que la denegación del derecho de navegación así como la requisa de efectos personales, son contrarias al derecho de libre navegación en el Río San Juan que tiene Costa Rica con arreglo al Tratado de Límites de 1858, al Laudo de 1888 y al citado fallo del 2009, por lo que mi Gobierno presenta su protesta formal por esos hechos.

Mi país también llama la atención a su gobierno sobre el hecho de que, aún cuando esas personas hubiesen sido funcionarios públicos costarricenses, de conformidad con el citado fallo de la Corte Internacional de Justicia, igualmente tendrían derecho a la libre navegación si lo hacen pagando por el servicio de transporte, o, en su caso, cuando el propósito es brindar servicios a las personas ribereñas.

De igual forma, el pasado sábado 19 de julio, en el mismo puesto del Ejército de Nicaragua, localizado opuesto a la localidad de Boca de San Carlos, se detuvo a dos costarricenses, quienes transportaban mercaderías a territorio de Costa Rica, mediante una embarcación a la que se le pagó por el servicio. Mi país entiende que esos costarricenses habían adquirido legalmente las mercaderías transportadas. Costa Rica requiere que Nicaragua le informe los motivos que mediaron en la detención de dichos ciudadanos costarricenses.

Mi Gobierno confía en que estos hechos no se repetirán y, que Nicaragua tomará las acciones necesarias para garantizar el derecho de libre navegación costarricense en el Río San Juan.

Aprovecho la ocasión para reiterar las seguridades de mi consideración.


Manuel A. González Sanz
Ministro



Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Cc/consecutivo



ANNEX 34

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference MRE/DM/336/8/14

4 August 2014

English Translation and Spanish Original

The Minister of Foreign Affairs

Managua, 4 August 2014

MRE/DM/336/08/14

Honourable Minister:

I am writing with reference to your note DM-AM-348-14 dated 17 July of the current year, related to the case *Certain activities carried out by Nicaragua in the border area (Costa Rica v. Nicaragua)*, which is currently being processed by the International Court of Justice.

In its note DM-AM-348-14, the Government of Costa Rica indicated that "a technical team composed of Costa Rican personnel for environmental protection will be entering the disputed territory in the next few days..."

In this regard, the Government of Reconciliation and National Unity of the Republic of Nicaragua reiterates what it has expressed in previous notes in relation to the interpretation of the measures established by the International Court of Justice through its Orders of 8 March 2011 and 22 November 2013.

In this regard, and in conformity with the Orders of the International Court of Justice, the Government of Nicaragua wishes to remind your Government of the importance of transmitting the necessary information to justify the urgency of entering the disputed territory. In addition, the importance of transmitting the necessary information relating to the security of Nicaraguan air spaces, such as: description/details of the means of entry and a list of people who will enter the disputed territory.

On the other hand, the Government of Reconciliation and National Unity of the Republic of Nicaragua wishes to remind Costa Rica of the prevailing importance that all technical information, collected previously and subsequently to the entry to the disputed territory, be transmitted to our Government for its evaluation, in order to avoid potential adverse impacts that could arise in Nicaragua's San Juan River.

Finally, I wish to reaffirm that the Government of Nicaragua has complied and will continue to fully comply with the provisional measures indicated by the Court in its Order of 8 March 2011 and 22 November 2013, and to make a call to Costa Rica, our sister nation, to work together, as indicated by the Court in its Order of 8 March 2011.

I take this opportunity to reiterate the assurances of my highest consideration.

Samuel Santos López

His Excellency
Manuel González Sanz
Minister of Foreign Affairs
Republic of Costa Rica

El Ministro de Relaciones Exteriores

Managua, 4 de agosto del 2014

MRE/DM/336//8/14

Señor Ministro:

Me dirijo a Usted en ocasión de hacer referencia a su nota DM-AM-348-14 de fecha 17 de julio del año en curso, relacionada al caso de *Ciertas actividades de Nicaragua en la Zona Fronteriza (Costa Rica v. Nicaragua)*, el cual se encuentra actualmente ante la Corte Internacional de Justicia.

En su nota DM-AM-348-14, el Gobierno de Costa Rica indica que *“un equipo técnico integrado por personal costarricense para la protección ambiental, estará haciendo ingreso a la zona en disputa en el curso de los próximos días...”*.

Al respecto, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua reitera lo expresado en notas anteriores, en relación a la interpretación de las medidas establecidas por la Corte Internacional de Justicia mediante sus Ordenanzas del 8 de marzo de 2011 y 22 de noviembre de 2013.



Pág. #2

En este sentido, y en concordancia con las Ordenanzas de la Corte Internacional de Justicia, el Gobierno de Nicaragua desea recordar a su Gobierno la importancia de transmitir la información necesaria que justifique la urgencia del ingreso en la zona en disputa. Así mismo la importancia de transmitir la información necesaria relacionada a la seguridad de espacios aéreos nicaragüenses, como son; descripción/detalles del medio de ingreso y lista de personas que ingresarán a la zona en disputa.

Por otro lado el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua desea recordar a Costa Rica la importancia imperante de que toda información técnica, recabada previa y posterior al ingreso en la zona en disputa, sea transmitida a nuestro Gobierno para su evaluación, con la finalidad de evitar posibles impactos adversos que podrían generarse en el río San Juan de Nicaragua.

Finalmente, deseo reafirmarle que el Gobierno de Nicaragua ha cumplido y continuará cumpliendo a cabalidad las medidas provisionales dictadas por la Corte en su Ordenanza del 8 de marzo de 2011 y 22 de noviembre de 2013, y llama a la hermana



nación costarricense a trabajar en conjunto, tal y como lo dictara la Corte en su Orden del 8 de marzo de 2011.

Sin otro particular, aprovecho la ocasión, para reiterarle las muestras de mi estima y consideración.


Samuel Santos López



Excelentísimo Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica

ANNEX 35

Note from the Secretary General of the Ramsar Convention to the Deputy
Permanent Representative of Costa Rica to the United Nations-Geneva
Reference SG2014-229-CHB-MAR,

18 August 2014

English Translation and Spanish Original

Ramsar
Convention on Wetlands
From the Secretary- General

His Excellency
Christian Guillermet
Ambassador
Deputy Permanent Representative
Costa Rican Permanent Mission to the United Nations and
Other International Organizations in Geneva
Avenue de France 23
1202 Geneva, Switzerland

Gland, 18 August 2014
SG2014-229/CHB/MAR

Your Excellency,

We are grateful for your 21 July communication, acknowledging receipt of the Ramsar 77 Advisory Mission Report. Furthermore, we appreciate the observations to that Report of 8 August. Based on them we are sending the final report of said mission.

To make available the report in our Advisory Missions webpage, I would appreciate your timely indication as to when we can make it available to the public.

Moreover, we thank you for sending the report of the technical personnel who entered the area of the new caños according to the information provided in the communication of 21 July.

I avail myself of this opportunity to reiterate the assurances of my highest and most distinguished consideration,

Yours truly,

Christopher Briggs

c. Jorge Gamboa, Administrative Authority and Ramsar Focal Point



CONVENTION ON WETLANDS
CONVENTION SUR LES ZONES HUMIDES
CONVENCIÓN SOBRE LOS HUMEDALES
(Ramsar, Iran, 1971)

Del Secretario General

S. E
Christian Guillermet
Embajador
Representante Permanente Alterno
Misión de Costa Rica ante la
Oficina de las Naciones Unidas y otras
Organizaciones Internacionales en Ginebra
Avenue de France 23
1202 Ginebra, Suiza

Gland, 18 de Agosto de 2014
SG2014-229/CHB/MAR

Su excelencia,

Agradecemos su comunicación del 21 de Julio confirmando la recepción del informe de la Misión Ramsar de Asesoramiento No. 77. Así mismo, agradecemos el envío el 8 de agosto de las observaciones realizadas al informe. Con base a las mismas estamos enviando el informe final de la Misión de la referencia.

Para que el informe esté disponible en nuestra página web de las misiones Ramsar de Asesoramiento, agradezco indicarnos oportunamente que podemos hacerlo público.

De otra parte, agradecemos el envío del informe correspondiente de los técnicos que entraron a la zona de los caños de acuerdo a lo informado en la comunicación del 21 de Julio.

Hago propicia esta ocasión para reiterarle las seguridades de mi más distinguida consideración.

Le saluda atentamente,

A handwritten signature in blue ink, appearing to read "Christopher Briggs".

Christopher Briggs

c.c. Jorge Gamboa, Autoridad Administrativa y Punto Focal Ramsar

ANNEX 36

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference MRE/DM-AJ/414/09/19

19 September 2014

English Translation and Spanish Original



**EMBASSY OF NICARAGUA
THE HAGUE**

THE MINISTER OF FOREIGN AFFAIRS

Managua, 19 September 2014

MRE/DM/AJ/414/09/14

Mr. Minister:

Regarding the informal conversations hold by emissaries of our two countries, I want to confirm the following position and proposal by Nicaragua.

A. Navigation in the San Juan de Nicaragua River:

Nicaragua is prepared to authorize the entry of Costa Rican vessels to facilitate compliance with the Court Order of November 22, 2013 and the Order of March 8, 2011 which mandates coordination between the two countries in the spirit of good neighborliness.

This authorization to Costa Rican state ships to navigate [the River] "*sin fines de comercio*" would be extended this time, provided that the laws and regulations governing navigation in our territory are met, particularly what is provided in Decree 079-2009, which is of your full knowledge.

-The authorization of Nicaragua is intended to allow navigation by Costa Rican ships between the Colorado Delta and the disputed area in order to carry out the measures proposed by Costa Rica to the International Court of Justice, which in Costa Rica's own view, will protect the environment in the area affected by the caño opened in 2013.

Navigation, as noted above, will be subject to the existing regulation to navigate the San Juan River, including security and environmental measures. In this respect the following obligations from the said regulation are highlighted:

- 1 Costa Rica would inform Nicaragua, by the established channels and at least 48 hours in advance, of any intended navigation plan, and would also provide a list of passengers, the cargo manifest, and the description and characteristics of the ship and the equipment.
2. Costa Rican ships will be equally subject to inspection upon entering the Nicaraguan territory at the Nicaraguan Delta's and at the moment of leaving the national territory.
- 3 At the Delta, Costa Rica would provide Nicaragua with a list of all personnel, equipment and materials entering and leaving the Nicaraguan territory. The passengers must identify themselves with a valid document.



**EMBASSY OF NICARAGUA
THE HAGUE**

4 Costa Rica would only be authorized to transport personnel and equipment or objects exclusively related to the work proposed by Costa Rica to the International Court.

5 No weapons may be transported on the boats or be carried by passengers.

6 Once the previous indications stemming from Nicaraguan legislation are fulfilled, Nicaragua will provide protection to ships and passengers at all times while in Nicaraguan territory.

7. As a display of good faith, Nicaragua would be willing to authorize the entry of Costa Rican staff to the land territory of Nicaragua (City of San Juan de Nicaragua) to obtain food and lodging. This would allow not having to return to the Colorado Delta daily. Similarly, Nicaragua offers to place on each ship a practical connoisseur of the River, to avoid accidents or groundings.

B. Works planned for Costa Rica:

Mr. Minister, with the above offer and after having studied the situation, Nicaragua wishes to reiterate its opinion that the works projected by Costa Rica in the caño object of the Order of the Court of 22 November 2013, are not necessary nor desirable for the following reasons (and others reasons that we could timely explain):

Without going into technical comments, it is obvious to the naked eye that in the same aerial images submitted by Costa Rica to the Court, the caño is partially dry, and that not even at this time of heavy raining there is any danger of spill over and of merging with the sea.

The very same Ramsar report presented by Costa Rica to the Court indicates that the movement of the water in this area is extremely slow due to the topography of flat land, which makes it impossible, no matter how much it rains, for currents to have enough power to break the seaside bar.

Therefore, there is no urgency to do these works immediately, works that should be studied carefully to avoid being counterproductive and damage the environment.

Finally, we agree with the majority of technicians, including the Ramsar report, that any insertion of any flora or fauna in the area of the caño must be from the same vicinity. In that sense we are concerned that Costa Rica carries materials from other areas in order to place them in the area of the caño.



**EMBASSY OF NICARAGUA
THE HAGUE**

For that reason, we believe that the caño, without human intervention, will naturally return to its previous form.

Notwithstanding the foregoing, and without implying endorsement by us, we offer to provide suitable materials of the surrounding areas to be placed in the reference area. This includes not only flora and fauna but also trunks of trees from the area that would be more suitable for the works submitted by Costa Rica.

Nicaragua disclaims responsibility for any adverse effects that the works proposed by Costa Rica might cause to the ecosystem and wetlands shared with the neighboring nation.

I renew to you, Mr. Minister, the assurances of my consideration.

Samuel Santos Lopez

Sir
Manuel Gonzalez Sanz
Minister of Foreign Affairs and Cult
Republic of Costa Rica

El Ministro de Relaciones Exteriores

Managua, 19 de septiembre de 2014
MRE/DM-AJ/414/09/14

Señor Ministro:

En relación a las conversaciones que informalmente han venido sosteniendo personeros de nuestros dos países, quiero confirmarle la siguiente posición y propuesta de Nicaragua.

A. Navegación por el Río San Juan de Nicaragua:

Nicaragua está dispuesta a autorizar la entrada de las embarcaciones costarricenses para facilitar el cumplimiento de la Orden de la Corte del 22 de noviembre del 2013 y también de la Orden del 8 de Marzo del 2011 que manda una coordinación en el espíritu de buena vecindad entre ambos países.

Esta autorización para que naveguen naves costarricenses estatales sin fines de comercio se daría por ésta vez, siempre que se cumplan las leyes y reglamentos que rigen la navegación en nuestro territorio y particularmente conforme lo establecido en el Decreto 079-2009 el cual es de su pleno conocimiento.

- La autorización de Nicaragua es para que las naves Costarricenses naveguen entre el Delta del Colorado y la zona en disputa con el objeto de llevar a cabo las medidas propuestas por Costa Rica a la Corte Internacional de Justicia, para, según su apreciación, proteger el medio ambiente en la zona afectada por el caño abierto en 2013.

- La navegación, como se indicó anteriormente, estará sujeta al Reglamento existente para navegar en el San Juan incluyendo las medidas de seguridad y medioambientales. En ese sentido se resaltan las siguientes obligaciones contenidas en esa Reglamentación:

1. Costa Rica le avisaría a Nicaragua con al menos 48 horas de antelación por los canales establecidos, de cualquier navegación proyectada, facilitando una lista de los pasajeros y un manifiesto de carga, descripción y características técnicas de la embarcación y de los equipos.



El Ministro de Relaciones Exteriores

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2. Las naves de Costa Rica estarán sujetas a inspección al entrar al territorio Nicaragüense en el puesto del Delta e igual al salir del territorio nacional.
3. Costa Rica facilitaría a Nicaragua un listado de todo el personal, equipo y materiales al ingreso y salida del territorio nicaragüense en el puesto del Delta. Los pasajeros deberán identificarse con un documento válido.
4. Costa Rica solo estaría autorizada a transportar personal y equipo u objetos relacionados exclusivamente con los trabajos propuestos por Costa Rica ante la Corte Internacional.
5. No podrán transportarse en las embarcaciones, ningún tipo de armamento, ni ser portados por los pasajeros.
6. Cumplidas las anteriores indicaciones basadas en la legislación Nicaragüense, Nicaragua proporcionará protección a las naves y pasajeros en todo momento en que se encuentren en territorio nacional.
7. En señal de buena fe, Nicaragua estaría dispuesta a autorizar la entrada del personal de Costa Rica al territorio terrestre de Nicaragua (ciudad de San Juan de Nicaragua) para que obtengan comida y alojamiento lo que permitirá que no tengan que regresar al Delta del Colorado diariamente. Igualmente, Nicaragua le ofrece colocar en cada nave un práctico conocedor del Río, a fin de evitar accidentes o encallamientos.

B. Obras proyectadas por Costa Rica:

Con el anterior ofrecimiento, Nicaragua desea reiterarle, Señor Ministro, su opinión luego de un estudio de la situación, de que las obras proyectadas por Costa Rica en el caño objeto de la Orden de la Corte de 22 de Noviembre del 2013, las cuales, no son necesarias ni convenientes por las siguientes razones y otras que oportunamente podríamos explicarle.

Sin entrar a observaciones técnicas, a simple vista puede apreciarse en las mismas imágenes aéreas presentadas por Costa Rica a la Corte, que el caño, aún en esta época de un invierno con lluvias fuertes, se encuentra parcialmente seco y de ninguna manera corre peligro de rebalsarse y unirse al mar.



El Ministro de Relaciones Exteriores

Página No. 3

El mismo informe de Ramsar presentado por Costa Rica a la Corte indica que el movimiento del agua en esta zona, es extremadamente lento, debido a las condiciones topográficas de tierras planas, lo cual hace imposible que por mucha lluvia que pueda darse, las corrientes no tendrían el suficiente empuje para romper la barra costera.

Por lo anterior, no existe urgencia alguna para hacer estas labores a lo inmediato y, además, deben estudiarse con mucho cuidado para no ser contraproducentes y dañar el medio ambiente.

Finalmente, coincidimos con la mayoría de los técnicos, incluyendo el informe de Ramsar, que cualquier introducción de flora o fauna en la zona del caño debe de ser de la misma localidad. En ese sentido nos preocupa que Costa Rica acarree materiales de otras zonas para ser injertados o colocados en el área del caño. Por esa razón, consideramos que el caño sin intervención humana regresará naturalmente a su forma anterior.

No obstante lo anterior, y sin que signifique aprobación por nuestra parte, le ofrecemos proporcionarles materiales adecuados de las zonas colindantes para ser colocados en el área de la referencia. Esto incluye no solo flora y fauna sino en general, también troncos de árboles de la zona que serían material más adecuado para las obras planteadas por Costa Rica.

Nicaragua deslinda responsabilidad por los efectos adversos que los trabajos propuestos por Costa Rica puedan causar al ecosistema y a los humedales que compartimos con esa nación vecina.

Reitero a usted, señor Ministro, las muestras de mi consideración



Samuel Santos López

Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica

ANNEX 37

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-574-14

22 September 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

22 September 2014
DM-AM-0574-14

Dear Minister,

With reference to your note MRE/DM-AJ/414/09/14 and to the conversations held informally by officials from both of our countries, by initiative of Costa Rica, to find a practical arrangement for the situation raised by the positions of the parties in relation to the third report presented by Costa Rica on 22 August 2014, in conformity with the Order of the International Court of Justice of 22 November 2013 in the case *Certain Activities Carried out by Nicaragua in the Border Area*, I would like to express the following:

A. Need to find a practical arrangement without detriment to the legal positions of the parties

My country reiterates its willingness to find a practical arrangement that will allow overcoming this situation, without detriment to the respective positions of the parties regarding the perpetual right of Costa Rica to free navigation with commercial purposes on San Juan River, as recognized in Article VI of the Treaty of Limits of 15 April 1858, and to its interpretation by the International Court of Justice in its decision of 13 July 2009, as well as in relation to the legal position of the parties regarding the provisional measures ordered by said Court on 22 November 2013. To this end, it reiterates the following positions and proposals:

B. Navigation on San Juan River

1. Costa Rica reiterates its position that the planned navigation on San Juan River from the Colorado Delta to the “disputed territory” to perform the works necessary to prevent irreparable damage to said territory, caused by the construction of two channels by Nicaragua, corresponds to the exercise of its right to free navigation, which is stipulated in the Treaty of Limits of 15 April 1858 and in its interpretation by the International Court of Justice in its 2009 judgment, as mentioned above. Costa Rica shall navigate the river to transport material, equipment and personnel; therefore, it does not need any authorization to exercise this right.
2. As you are aware, Costa Rica considers that Decree 079-2009, whereby Nicaragua regulates navigation on San Juan River, is abusive and discriminates against Costa Rican navigation. Thus, it is expressly contravening that set forth in the decision of the International Court of Justice of 13 July 2009.
3. Without detriment to this legal position, Costa Rica accepts performing the following procedure:

- a) Costa Rica will inform Nicaragua of the planned navigation, at least 48 hours in advance, through the established means of communication, providing a list of the passengers and cargo, as well as a technical description of the vessel(s) to be used.
- b) Costa Rican vessels will go to the “Delta” Nicaraguan Border Control Post when entering and leaving San Juan River to report to the authorities of your country for the corresponding process.
- c) The passengers must identify themselves with a valid ID document, such as a national ID card (“*cédula*”).
- d) Costa Rica will only transport personnel and equipment or objects exclusively related to the work proposed by Costa Rica before the International Court of Justice.
- e) No types of armament will be transported in the vessels, and the passengers will not carry any arms either.
- f) Nicaragua may provide protection and safety to the river, if it deems necessary, while the aforementioned navigation is carried out.
- g) Nicaraguan vessels and personnel will not be able to enter the “disputed territory,” in conformity with the stipulations of the International Court of Justice of 8 March 2011 and 22 November 2013.

C. Planned works

In its report of 22 August 2014, Costa Rica explained the reasons why the planned works, following the recommendations of the Secretariat of the Ramsar Convention, are the minimum essential works to prevent irreparable damage to the “disputed territory” after the construction of the two channels by Nicaragua in the northern part of said territory. There is a particular risk that due to the action of the waters the eastern *caño* may communicate directly with the Caribbean Sea, causing an irreversible change.

Similarly, the material proposed for the execution of the works does not alter the existing habitat at all, given that the material is very similar to that removed by Nicaragua. Costa Rica reiterates as a whole the contents of its third report including its annexes, as well as its willingness to perform the aforementioned works.

D. Clause to protect the positions of the parties

Your note and this note, considered as a whole, reflect a practical solution that allows overcoming the situation, meaning the navigation of Costa Rican vessels on San Juan River in order to facilitate compliance with the provisional measures ordered by the International Court of Justice. Nothing established in our notes or the acts conducive to executing them can be interpreted as affecting the legal position of any of the parties and, specifically, cannot be interpreted as a change in the position of each of them or

recognition of support to the position of the other. With the understanding that this is also Nicaragua's perception of the content of our notes, Costa Rica shall proceed to act as described herein.

I take this opportunity to reiterate the assurances of my highest consideration.

Alejandro Solano Ortiz,
Acting Minister

His Excellency
Samuel Santos Lopez
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

22 de septiembre de 2014⁶
DM-AM-0574-14

Señor Ministro,

Hago referencia a su nota MRE/DM-AJ/414/09/14, y a las conversaciones que informalmente han venido sosteniendo personeros de nuestros dos países, a iniciativa de Costa Rica, con el fin de encontrar un arreglo práctico a la situación planteada por las posiciones de las partes en relación con el tercer informe presentado por Costa Rica el pasado 22 de agosto de 2014, de conformidad con la Providencia de la Corte Internacional de Justicia de 22 de noviembre de 2013, en el caso *Ciertas Actividades desarrolladas por Nicaragua en la Zona Fronteriza*, por lo que deseo manifestarle lo siguiente:

A. Necesidad de encontrar un arreglo práctico sin perjuicio de las posiciones jurídicas de las partes

Mi país reitera su buena voluntad para encontrar un arreglo práctico que permita destrabar la situación, sin perjuicio de las posiciones respectivas de las partes en cuanto al derecho perpetuo de Costa Rica de libre navegación con objetos de comercio en el Río San Juan, tal como está reconocido en el Artículo VI del Tratado de Límites del 15 de abril de 1858, y a su interpretación por la Corte Internacional de Justicia en su fallo del 13 de julio de 2009, así como en relación a la posición jurídica de las partes en cuanto a las medidas provisionales ordenadas por la misma Corte el 22 de noviembre de 2013. A tal fin, reitera las siguientes posiciones y propuestas:

B. Navegación por el Río San Juan

1. Costa Rica reitera su posición según la cual la navegación proyectada en el Río San Juan desde Delta Colorado hasta el "territorio en disputa", a fin de realizar las obras necesarias para evitar un perjuicio irreparable a dicho territorio, ocasionado por la construcción nicaragüense de dos caños, corresponde al ejercicio de su derecho de libre navegación tal cual está estipulado en el Tratado de Límites de 15 de abril de 1858 y a su interpretación por la Corte Internacional de Justicia en el fallo de 2009 antes mencionado. Costa Rica navegará el río para el transporte de material, equipo y personal, y por consiguiente no necesita autorización alguna para ejercer tal derecho.

Recb.
M.A. Patiño
22/09/14
4:45

DM-AM-0574-14
-pág.2-

2. Como es de su conocimiento, Costa Rica considera que el Decreto 079-2009 por el cual Nicaragua reglamenta la navegación en el Río San Juan es abusiva y discriminatoria hacia la navegación costarricense, por lo cual está en abierta contradicción con lo dispuesto en el fallo de la Corte Internacional de Justicia del 13 de julio de 2009.

3. Sin perjuicio de dicha posición jurídica, Costa Rica acepta proceder de la manera siguiente:

a) Costa Rica le avisará a Nicaragua con al menos 48 horas de antelación, por medio de los canales establecidos, de la navegación proyectada, facilitando una lista de los pasajeros y de la carga, así como la descripción técnica de la embarcación u embarcaciones a utilizar.

b) Las naves de Costa Rica se presentarán al Puesto Fronterizo Nicaragüense « Delta » al entrar y al salir del Río San Juan, con el objeto de reportarse ante las autoridades de su país para el trámite que corresponda.

c) Los pasajeros deberán identificarse con un documento de identificación válido, como cédula de identidad.

d) Costa Rica solo transportará personal y equipo u objetos relacionados exclusivamente con los trabajos propuestos por Costa Rica ante la Corte Internacional de Justicia.

e) No se transportará en las embarcaciones ningún tipo de armamento, ni tampoco lo harán los pasajeros.

f) Nicaragua puede proporcionar protección y seguridad al río, si así lo estima necesario, mientras se lleve a cabo la referida navegación.

g) Las naves y el personal nicaragüense no podrán entrar al « territorio en disputa », de conformidad con las providencias de la Corte Internacional de Justicia del 8 de marzo de 2011 y del 22 de noviembre de 2013.

C. Obras proyectadas

En su informe del 22 de agosto de 2014, Costa Rica explicó las razones por las cuales las obras proyectadas, siguiendo las recomendaciones formuladas por el Secretariado de la Convención de Ramsar, son las mínimas indispensables para evitar un perjuicio irreparable al "territorio en disputa" tras la construcción de dos canales por Nicaragua en la parte norte del mismo. Existe en particular un riesgo cierto que por la

acción de las aguas el caño oriental se comunique directamente con el Mar Caribe, provocando una modificación que sería irreversible. Igualmente, el material propuesto para la ejecución de los trabajos en nada altera el hábitat existente, pues se trata de material similar al que Nicaragua removi6. Por lo tanto, Costa Rica reitera en un todo el contenido de su tercer informe antes referido incluyendo los informes anexos a 6l y su voluntad de llevar a cabo los trabajos mencionados.

D. Cláusula de salvaguardia de las posiciones de las partes

Su nota y la presente, consideradas en un todo, reflejan un acuerdo práctico que permite destrabar la situación, esto es, la navegación de embarcaciones costarricenses en el Río San Juan a fin de facilitar el cumplimiento de las medidas provisionales ordenadas por la Corte Internacional de Justicia. Nada de lo establecido en nuestras notas ni los actos tendientes a su ejecución puede ser interpretado de manera que afecte la posición jurídica de cada una de las partes, y en particular no podrá ser interpretado como un cambio en la posición de cada una de ellas o un reconocimiento o apoyo a la posición de la otra. En el entendimiento de que tal es también la percepción de Nicaragua sobre el contenido de nuestras notas, Costa Rica procederá a actuar de conformidad a lo antes mencionado.

Aprovecho la oportunidad para reiterar las seguridades de mi consideración.


Alejandro Solano Ortíz
Ministro a.i.



Excelentísimo Señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

ANNEX 38

Note from the Agent of Nicaragua to the Registrar of the International Court
of Justice
Reference HOL-EMB-124

23 September 2014

COUR INTERNATIONALE DE JUSTICE

INTERNATIONAL COURT OF JUSTICE

PALAIS DE LA PAIX 2517 KJ LA HAYE PAYS-BAS
 TELEPHONE: +31 (0)70 302 23 23
 TELEGR.: INTERCOURT LAHAYE
 TELECOPIE: +31 (0)70 364 99 20
 ADRESSE ELECTR.: mail@icj-cij.org
 SITE INTERNET: www.icj-cij.org



PEACE PALACE 2517 KJ THE HAGUE NETHERLANDS
 TELEPHONE: +31 (0)70 302 23 23
 CABLES: INTERCOURT THEHAGUE
 TELEFAX: +31 (0)70 364 99 20
 E-MAIL: mail@icj-cij.org
 WEBSITE: www.icj-cij.org

144294

23 September 2014

Sir,

With reference to the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua), which has been joined with the case concerning Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica), I have the honour to transmit to Your Excellency herewith a copy of a letter (Ref: HOL-EMB-124) with an annex (and certification) from H.E. Mr. Carlos J. Argüello Gómez, Agent of the Republic of Nicaragua, dated 23 September 2014 and received in the Registry on the same day. By his letter, the Agent refers to the communication (Ref: ECRPB-090-2014) with annexes from H.E. Mr. Sergio Ugalde, Co-Agent of the Republic of Costa Rica, dated 22 August 2014, which contained a report on compliance by Costa Rica with the provisional measures indicated by the Court in its Order of 22 November 2013. In particular, the Agent of Nicaragua states that his Government "has had informal discussions with Costa Rica on this matter and has advised Costa Rica that Nicaragua consents to Costa Rica's navigation of the San Juan River" for the purpose stated in the above-mentioned communication, "that is, in order to facilitate compliance with the Court's Order, even though such navigation is not for the purposes of commerce".

Accept, Sir, the assurances of my highest consideration.

Philippe Couvreur
 Registrar

H.E. Mr. Edgar Ugalde Álvarez
 Agent of the Republic of Costa Rica
 before the International Court of Justice
 Embassy of Costa Rica
 The Hague

cc: Mr. Sergio Ugalde
 Co-Agent of the Republic of Costa Rica
 before the International Court of Justice
 Embassy of Costa Rica
 The Hague



**EMBASSY OF NICARAGUA
THE HAGUE**

The Hague, 23 September 2014.

HOL-EMB-124

Excellency,

I have the honour to refer to the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica vs. Nicaragua)*, which has been joined with the case concerning the *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*, and in particular to your letter (144168) dated 22 August 2014, whereby you transmit a copy of a letter (ECRPB-090-2014) from the Agent of the Republic of Costa Rica containing a compliance report regarding the provisional measures indicated by the Court in its Order of 22 November 2013, and also informing the Court of the Costa Rican Government's intention to navigate the San Juan River with personnel, equipment and materials intended to "carry out the appropriate measures...to prevent irreparable damage being caused" to the wetland.

Nicaragua has had informal discussions with Costa Rica on this matter and has advised Costa Rica that Nicaragua consents to Costa Rica's navigation of the San Juan River for the purpose stated in its letter (ECRPB-0900-2014) of 22 August 2014, that is, in order to facilitate compliance with the Court's Order, even though such navigation is not for purposes of commerce.

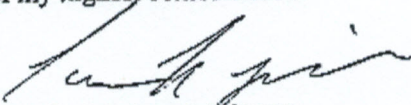
I hereby attach the note sent by Nicaragua to Costa Rica in this regard. In the said letter, Nicaragua expressly authorizes Costa Rican state vessels to navigate on the River for the purpose stated, while at the same time pointing out some of its concerns regarding the works planned by Costa Rica in the disputed area. Further, Nicaragua reiterates its position regarding the lack of need and urgency for these works. Nevertheless, since the Court invested Costa Rica with the responsibility to carry them out, Nicaragua does not wish to oppose them, but merely wishes to express its disagreement and concern that they might prove counterproductive.



**EMBASSY OF NICARAGUA
THE HAGUE**

Additionally, Nicaragua observes that this persistent request by Costa Rica to navigate the San Juan River below the Colorado Delta as the most practical way of visiting the territory in dispute confirms the fact that, historically, only Nicaragua has had presence patrolling and protecting the environment in the area in dispute, as stated during the January 2011 hearings on provisional measures, since it is clear that this need to navigate the San Juan for reaching that area only arose after that area came into dispute in 2010.

Accept, Sir, the assurances of my highest consideration.


Carlos J. ARGÜELLO GÓMEZ
Agent
Republic of Nicaragua

**His Excellency
Mr. Philippe Couvreur
Registrar
International Court of Justice
Peace Palace
The Hague**



**EMBASSY OF NICARAGUA
THE HAGUE**

CERTIFICATION

The undersigned Agent of the Republic of Nicaragua certifies that the document annexed to this letter dated 22 September 2014, Ref: HOL-EMB-124 is a true copy and conforms to the original document and that the translation into English submitted by Nicaragua is an accurate translation. The document annexed to this letter is the following:

LIST OF ANNEX

Annex Document

- 1 Diplomatic Note from the Minister of Foreign Affairs of Nicaragua, to the Minister of Foreign Affairs and Cult of Costa Rica, Ref: MRE/DM/AJ/414/09/14, 19 September 2014

Carlos J. ARGÜELLO GÓMEZ
Agent
Republic of Nicaragua

ANNEX 39

Note from the Co-Agent of Costa Rica to the Registrar of the International
Court of Justice
Reference ECRPB-103-14

25 September 2014




25 September 2014
Ref. ECRPB-103-14

Excellency,

I have the honour to refer to the case concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v Nicaragua)*, and in particular to the note submitted by Nicaragua dated 23 September 2014, reference HOL-Emb 124.

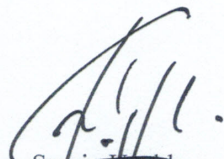
Following receipt of Nicaragua's note of 29 August 2014, reference HOL-Emb 107, commenting on the Costa Rica's third periodic report on compliance with the Court's Order of 22 November 2013 (which Costa Rica submitted to the Court on 22 August 2014), Costa Rica approached Nicaragua in good faith with a view to reaching a prompt, practical solution, without prejudging the positions of the Parties. Nicaragua's diplomatic note dated 19 September 2014, reference MRE/DM/AJ/414/09/14, attached to note reference HOI-Emb 124, was transmitted to Costa Rica last Saturday evening. Although Costa Rica responded to the note on Monday 22 September, Nicaragua chose not to include said response in its note to the Court, reference HOL-Emb 124. Costa Rica expresses surprise that Nicaragua communicated to the Court its note in haste, without Costa Rica's response. Costa Rica attaches its diplomatic note dated 22 September 2014, reference DM-AM-0574-14, by which it responded Nicaragua's note.

Nicaragua's note reference HOL-Emb 124 concluded by stating that "this persistent request by Costa Rica to navigate the San Juan River below the Colorado Delta as the most practical way of visiting the territory in dispute confirms the fact that, historically, only Nicaragua has had presence patrolling and protecting the environment in the area in dispute..." While it is obvious that Costa Rica needs to use the San Juan River for this particular purpose, it does not in any way demonstrate that Nicaragua has historically patrolled the disputed territory.

25.09. 2014 

Costa Rica regrets that Nicaragua has attempted to make use of Costa Rica's initiative to find a cooperative solution in good faith as an opportunity to further litigate the case concerning Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v Nicaragua). For the avoidance of doubt, Costa Rica notes and regrets the inopportune raising of this contentious matter, and does not accept Nicaragua's assertions, which of course relate to the merits of the dispute to be decided by the Court in due time.

Accept, Sir, the assurances of my highest consideration.




Sergio Ugalde
Co-Agent
Republic of Costa Rica

His Excellency
Mr. Philippe Couvreur
Registrar
International Court of Justice
Peace Palace 2517 KJ
The Hague



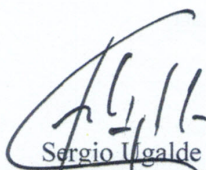
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25.09.2014 

Certification

I have the honour to certify that the following document annexed to this letter is a true copy and conform to the original document and that the translation into English made by Costa Rica is an accurate translation.

1. Diplomatic Note from the acting Minister of Foreign Affairs and Worship of Costa Rica to the Minister of Foreign Affairs of Nicaragua, Reference DM-AM-0574-14, 22 September 2014 (together with English translation).



Sergio Igalde
Co-Agent
Republic of Costa Rica

25 September 2014



El Ministro de Relaciones Exteriores y Culto

22 de septiembre de 2014⁶
DM-AM-0574-14

Señor Ministro,

Hago referencia a su nota MRE/DM-AJ/414/09/14, y a las conversaciones que informalmente han venido sosteniendo personeros de nuestros dos países, a iniciativa de Costa Rica, con el fin de encontrar un arreglo práctico a la situación planteada por las posiciones de las partes en relación con el tercer informe presentado por Costa Rica el pasado 22 de agosto de 2014, de conformidad con la Providencia de la Corte Internacional de Justicia de 22 de noviembre de 2013, en el caso *Ciertas Actividades desarrolladas por Nicaragua en la Zona Fronteriza*, por lo que deseo manifestarle lo siguiente:

A. Necesidad de encontrar un arreglo práctico sin perjuicio de las posiciones jurídicas de las partes

Mi país reitera su buena voluntad para encontrar un arreglo práctico que permita destrabar la situación, sin perjuicio de las posiciones respectivas de las partes en cuanto al derecho perpetuo de Costa Rica de libre navegación con objetos de comercio en el Río San Juan, tal como está reconocido en el Artículo VI del Tratado de Límites del 15 de abril de 1858, y a su interpretación por la Corte Internacional de Justicia en su fallo del 13 de julio de 2009, así como en relación a la posición jurídica de las partes en cuanto a las medidas provisionales ordenadas por la misma Corte el 22 de noviembre de 2013. A tal fin, reitera las siguientes posiciones y propuestas:

B. Navegación por el Río San Juan

1. Costa Rica reitera su posición según la cual la navegación proyectada en el Río San Juan desde Delta Colorado hasta el "territorio en disputa", a fin de realizar las obras necesarias para evitar un perjuicio irreparable a dicho territorio, ocasionado por la construcción nicaragüense de dos caños, corresponde al ejercicio de su derecho de libre navegación tal cual está estipulado en el Tratado de Límites de 15 de abril de 1858 y a su interpretación por la Corte Internacional de Justicia en el fallo de 2009 antes mencionado. Costa Rica navegará el río para el transporte de material, equipo y personal, y por consiguiente no necesita autorización alguna para ejercer tal derecho.

Recb.
M.A. Patiño
22/09/14
4:45

DM-AM-0574-14
-pág.2-

2. Como es de su conocimiento, Costa Rica considera que el Decreto 079-2009 por el cual Nicaragua reglamenta la navegación en el Río San Juan es abusiva y discriminatoria hacia la navegación costarricense, por lo cual está en abierta contradicción con lo dispuesto en el fallo de la Corte Internacional de Justicia del 13 de julio de 2009.

3. Sin perjuicio de dicha posición jurídica, Costa Rica acepta proceder de la manera siguiente:

a) Costa Rica le avisará a Nicaragua con al menos 48 horas de antelación, por medio de los canales establecidos, de la navegación proyectada, facilitando una lista de los pasajeros y de la carga, así como la descripción técnica de la embarcación u embarcaciones a utilizar.

b) Las naves de Costa Rica se presentarán al Puesto Fronterizo Nicaragüense « Delta » al entrar y al salir del Río San Juan, con el objeto de reportarse ante las autoridades de su país para el trámite que corresponda.

c) Los pasajeros deberán identificarse con un documento de identificación válido, como cédula de identidad.

d) Costa Rica solo transportará personal y equipo u objetos relacionados exclusivamente con los trabajos propuestos por Costa Rica ante la Corte Internacional de Justicia.

e) No se transportará en las embarcaciones ningún tipo de armamento, ni tampoco lo harán los pasajeros.

f) Nicaragua puede proporcionar protección y seguridad al río, si así lo estima necesario, mientras se lleve a cabo la referida navegación.

g) Las naves y el personal nicaragüense no podrán entrar al « territorio en disputa », de conformidad con las providencias de la Corte Internacional de Justicia del 8 de marzo de 2011 y del 22 de noviembre de 2013.

C. Obras proyectadas

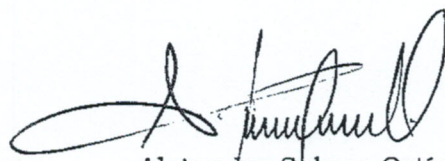
En su informe del 22 de agosto de 2014, Costa Rica explicó las razones por las cuales las obras proyectadas, siguiendo las recomendaciones formuladas por el Secretariado de la Convención de Ramsar, son las mínimas indispensables para evitar un perjuicio irreparable al "territorio en disputa" tras la construcción de dos canales por Nicaragua en la parte norte del mismo. Existe en particular un riesgo cierto que por la

acción de las aguas el caño oriental se comuniquen directamente con el Mar Caribe, provocando una modificación que sería irreversible. Igualmente, el material propuesto para la ejecución de los trabajos en nada altera el hábitat existente, pues se trata de material similar al que Nicaragua removió. Por lo tanto, Costa Rica reitera en un todo el contenido de su tercer informe antes referido incluyendo los informes anexos a él y su voluntad de llevar a cabo los trabajos mencionados.

D. Cláusula de salvaguardia de las posiciones de las partes

Su nota y la presente, consideradas en un todo, reflejan un acuerdo práctico que permite destrabar la situación, esto es, la navegación de embarcaciones costarricenses en el Río San Juan a fin de facilitar el cumplimiento de las medidas provisionales ordenadas por la Corte Internacional de Justicia. Nada de lo establecido en nuestras notas ni los actos tendientes a su ejecución puede ser interpretado de manera que afecte la posición jurídica de cada una de las partes, y en particular no podrá ser interpretado como un cambio en la posición de cada una de ellas o un reconocimiento o apoyo a la posición de la otra. En el entendimiento de que tal es también la percepción de Nicaragua sobre el contenido de nuestras notas, Costa Rica procederá a actuar de conformidad a lo antes mencionado.

Aprovecho la oportunidad para reiterar las seguridades de mi consideración.


Alejandro Solano Ortiz
Ministro a.i.



Excelentísimo Señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

The Minister of Foreign Affairs and Worship

22 September 2014

DM-AM-0574-14

Dear Minister,

With reference to your note MRE/DM-AJ/414/09/14 and to the conversations held informally by officials from both of our countries, by initiative of Costa Rica, to find a practical arrangement for the situation raised by the positions of the parties in relation to the third report presented by Costa Rica on 22 August 2014, in conformity with the Order of the International Court of Justice of 22 November 2013 in the case *Certain Activities Carried out by Nicaragua in the Border Area*, I would like to express the following:

A. Need to find a practical arrangement without detriment to the legal positions of the parties

My country reiterates its willingness to find a practical arrangement that will allow overcoming this situation, without detriment to the respective positions of the parties regarding the perpetual right of Costa Rica to free navigation with commercial purposes on San Juan River, as recognized in Article VI of the Treaty of Limits of 15 April 1858, and to its interpretation by the International Court of Justice in its decision of 13 July 2009, as well as in relation to the legal position of the parties regarding the provisional measures ordered by said Court on 22 November 2013. To this end, it reiterates the following positions and proposals:

B. Navigation on San Juan River

1. Costa Rica reiterates its position that the planned navigation on San Juan River from the Colorado Delta to the “disputed territory” to perform the works necessary to prevent irreparable damage to said territory, caused by the construction of two channels by Nicaragua, corresponds to the exercise of its right to free navigation, which is stipulated in the Treaty of Limits of 15 April 1858 and in its interpretation by the International Court of Justice in its 2009 judgment, as mentioned above. Costa Rica shall navigate the river to transport material, equipment and personnel; therefore, it does not need any authorization to exercise this right.

2. As you are aware, Costa Rica considers that Decree 079-2009, whereby Nicaragua regulates navigation on San Juan River, is abusive and discriminates

against Costa Rican navigation. Thus, it is expressly contravening that set forth in the decision of the International Court of Justice of 13 July 2009.

3. Without detriment to this legal position, Costa Rica accepts performing the following procedure:

- a) Costa Rica will inform Nicaragua of the planned navigation, at least 48 hours in advance, through the established means of communication, providing a list of the passengers and cargo, as well as a technical description of the vessel(s) to be used.
- b) Costa Rican vessels will go to the “Delta” Nicaraguan Border Control Post when entering and leaving San Juan River to report to the authorities of your country for the corresponding process.
- c) The passengers must identify themselves with a valid ID document, such as a national ID card (“*cédula*”).
- d) Costa Rica will only transport personnel and equipment or objects exclusively related to the work proposed by Costa Rica before the International Court of Justice.
- e) No types of armament will be transported in the vessels, and the passengers will not carry any arms either.
- f) Nicaragua may provide protection and safety to the river, if it deems necessary, while the aforementioned navigation is carried out.
- g) Nicaraguan vessels and personnel will not be able to enter the “disputed territory,” in conformity with the stipulations of the International Court of Justice of 8 March 2011 and 22 November 2013.

C. Planned works

In its report of 22 August 2014, Costa Rica explained the reasons why the planned works, following the recommendations of the Secretariat of the Ramsar Convention, are the minimum essential works to prevent irreparable damage to the “disputed territory” after the construction of the two channels by Nicaragua in the northern part of said territory. There is a particular risk that due to the action of the waters the eastern *caño* may communicate directly with the Caribbean Sea, causing an irreversible change.

Similarly, the material proposed for the execution of the works does not alter the existing habitat at all, given that the material is very similar to that removed by Nicaragua. Costa Rica reiterates as a whole the contents of its third report including its annexes, as well as its willingness to perform the aforementioned works.

DM-AM-0574-14

page.3-

D. Clause to protect the positions of the parties

Your note and this note, considered as a whole, reflect a practical solution that allows overcoming the situation, meaning the navigation of Costa Rican vessels on San Juan River in order to facilitate compliance with the provisional measures ordered by the International Court of Justice. Nothing established in our notes or the acts conducive to executing them can be interpreted as affecting the legal position of any of the parties and, specifically, cannot be interpreted as a change in the position of each of them or recognition of support to the position of the other. With the understanding that this is also Nicaragua's perception of the content of our notes, Costa Rica shall proceed to act as described herein.

I take this opportunity to reiterate the assurances of my highest consideration.

(Signed)
Alejandro Solano Ortiz,
Minister a.i.

Your Excellency
Samuel Santos Lopez
Minister of Foreign Affairs
Republic of Nicaragua

ANNEX 40

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-0639-10-14

21 October 2014

English Translation and Spanish Original

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

21 October 2014
DM-AM-0639-14

Excellency:

I refer to Report number 79 of the Ramsar Secretariat, which was communicated to your country by the International Court of Justice in or about 22 August 2014.

One of the recommendations in the report is to conduct measurements of the waters of the San Juan River, in order to establish their volume and their impact on the Caribbean Northeast Wetland.

Costa Rica proposes that this recommendation is complied with in three places: the first in the San Juan River, 500 meters upriver before the bifurcation with the Colorado River; the second on the Colorado River, 500 meters downstream from said bifurcation; and the third in the lower San Juan, 500 meters downstream from the same bifurcation.

We propose that these measurements are taken jointly by Costa Rica and Nicaragua, during the months of November and December 2014, and the month of January 2015. These measurements will help to estimate the San Juan River's flow of waters, and will also help to draw the conclusions suggested by the Ramsar Secretariat.

If your Government is in agreement, Costa Rica proposes a technical meeting in San José on 30 October 2014, so that the technical teams from both countries can reach an agreement about sharing of resources, the frequency, the specific dates and times in which the measurements in the three proposed sites can take place.

Please accept the assurances of my consideration.

Manuel González Sanz

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

21 de octubre de 2014
DM-AM- 0639-14

Excelentísimo señor:

Hago referencia al reporte número 79 de la Secretaría de Ramsar, que fuera comunicado a su país por la Corte Internacional de Justicia en o alrededor del 22 de Agosto de 2014.

Una de las recomendaciones del reporte es la realización de mediciones de las aguas del Río San Juan, con el objeto de establecer su volumen y su impacto en el Humedal Caribe Noreste.

Costa Rica propone que esta recomendación se realice en tres lugares: el primero en el Río San Juan, 500 metros río arriba antes de la bifurcación con el Río Colorado; el segundo en el Río Colorado, 500 metros río debajo de dicha bifurcación; y el tercero en el bajo San Juan, 500 metros río abajo de esa bifurcación.

Proponemos que estas mediciones se tomen conjuntamente por Costa Rica y Nicaragua, durante los meses de Noviembre y Diciembre de 2014, y el mes de Enero de 2015. Estas mediciones contribuirán a estimar el flujo de aguas del Río San Juan, y también ayudará a extraer las conclusiones que sugiere la Secretaría de Ramsar.

Si su Gobierno estuviera de acuerdo, Costa Rica propone una reunión técnica en San José, el día 30 de octubre de 2014, de forma tal que los equipos técnicos de ambos países alcancen un acuerdo sobre compartir recursos, la frecuencia y las fechas y tiempos específicos en que las mediciones en los tres sitios propuestos pueden tomar lugar.

Le ruego aceptar las muestras de mi consideración.


Manuel A. González Sanz
Ministro



Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Recb.
Ma. Tatiana Cruz
22/10/14
11:55 am.

ANNEX 41

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference MRE/DM/AJ/439/10/14

27 October 2014

English Translation and Spanish Original

THE MINISTER OF FOREIGN AFFAIRS

Managua, 27 October 2014
MRE/DM-AJ/439/10/14

Your Excellency:

I refer to your letter of 21 October (DM-AM-0639-14) in which you propose the measurement of the waters of the San Juan de Nicaragua River to establish its volume and impact in the wetland located in Harbour Head, according to the recommendations made by Ramsar in its 77 Report.

Regarding this matter, I reiterate to your Government the good disposition of Nicaragua to hold a technical meeting where details of such activities may be dealt with.

In this regard, and without prejudice of the matters dealt with in the said meeting, I inform you about some General and Preliminary Observations from Nicaragua.

The technical team of Nicaragua considers that such measurements must be taken in the pertinent areas, meaning from the vicinity of the eastern Caño and the wetland near it and that it would be enough to take them in the lower San Juan.

They also call upon attention to the importance of using adequate methodology for the aforementioned objectives and hope they can discuss such details during the Technical meeting.

Finally, and regarding the celebration of the meeting, I inform you that in principle Nicaragua has some inconveniences to attend the meeting in the dates proposed by Costa Rica, so we would propose that the meeting be carried out during the week of 3 November in San Juan de Nicaragua, the place that seems more appropriate for such purposes.

Accept Excellency the assurances of my highest consideration,

Samuel Santos López

His Excellency
Manuel González Sanz
Minister of Foreign Affairs and Worship
Republic of Costa Rica

El Ministro de Relaciones Exteriores

Managua, 27 de octubre de 2014

MRE/DM-AJ/439/10/14

Excelentísimo Señor:

Me refiero a su Nota del 21 de Octubre (DM-AM-0639-14) en la que propone la realización de mediciones de las aguas del Río San Juan de Nicaragua con el objeto de establecer su volumen e impacto en el humedal ubicado en Harbour Head, según lo recomendado por RAMSAR en su informe 77.

Al respecto, tengo a bien reiterar a su Gobierno sobre la buena disposición de Nicaragua para celebrar una Reunión Técnica donde se puedan abordar todos los detalles de tales actividades.

En ese sentido, y sin perjuicio de lo que se vaya a abordar durante dicha Reunión, le informo sobre algunas de las Observaciones Generales y Preliminares de Nicaragua.

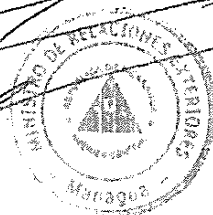
Los Técnicos nicaragüenses consideran que tales mediciones deben tener lugar en las Zonas pertinentes, es decir aledañas, al Caño Este y al humedal inmediato al caño y que bastaría con realizarlas en el área del bajo Río San Juan.

También llaman la atención a la importancia de utilizar una metodología adecuada para los fines descritos y esperan poder discutir estos detalles durante la Reunión Técnica.

Dicho lo anterior, y en relación a la celebración de la Reunión, le informo que en principio, Nicaragua enfrenta algunas inconveniencias para asistir a la Reunión en la fecha propuesta por Costa Rica, por lo que ponemos a su consideración que la misma se efectúe durante la semana que inicia el 3 de Noviembre y ofrece recibir al Equipo de Costa Rica en San Juan de Nicaragua, lugar que también considera más pertinente para tales fines.

Acepte Excelencia las muestras de mi más alta consideración

Samuel Santos López



Excelentísimo Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica

ANNEX 42

Note from the Acting Minister of Foreign Affairs and Worship of
Costa Rica to the Minister of Foreign Affairs of Nicaragua
Reference DM-AM-0672-14

28 October 2014

English Translation and Spanish Original

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

San José, 28 October 2014
DM-AM-0672-14

Excellency:

I am pleased to greet you on occasion to refer to your note MRE/DM/AJ/439/10/14 dated 27 October of the present month, related to the recommendations made by the Secretariat of the Ramsar Convention, contained in its Report RAM No. 77.

At the same time that I thank you for your kind response, I reiterate that the joint measurements of the San Juan River flow that Costa Rica proposed have the object of complying with the requirements of the Ramsar Convention Secretariat. For this reason, while in principle Costa Rica does not perceive any difficulty in additionally performing flow measurements in the area of the eastern caño, as your Excellency proposes, it is necessary at a first instance to measure the flow of the San Juan River before and after the Colorado River Delta. For that purpose, Costa Rica maintains the proposal that measurements on the three proposed places be made: in the San Juan River, 500 meters before the bifurcation with the Colorado River, 500 meters downstream after the bifurcation, and in the Colorado River, 500 meters downstream the said bifurcation.

In regard to the place of the technical meeting, although we thank Nicaragua for offering to hold the meeting in San Juan del Norte, we consider that a location with better access and meeting facilities would be more convenient, so Costa Rica maintains its proposal that the meeting be held in San José or in the city of Liberia. To that end, we propose Thursday 6 November. To start the needed preparations, we would much appreciate to be informed, as soon as possible, about Nicaragua's disposition to hold the meeting, and the composition of the Nicaraguan delegation.

Please accept the assurances of my consideration.

Alejandro Solano Ortiz
Acting Minister

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

San José, 28 de octubre de 2014
DM-AM-0672-14

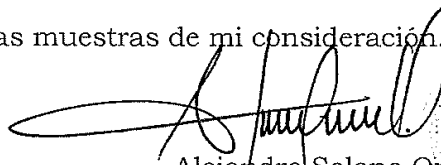
Excelentísimo señor:

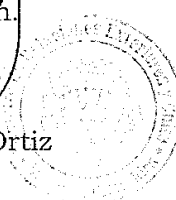
Me es grato saludarle con ocasión de referirme a su nota MRE/DM/AJ/439/10/14 de 27 de octubre del corriente, en relación con las recomendaciones hechas por la Secretaría de la Convención de Ramsar mediante su Informe RAM número 77.

A la vez que agradezco su amable respuesta, le reitero que las mediciones conjuntas al caudal del río San Juan que Costa Rica propuso tienen el fin de cumplir con lo solicitado por la Secretaría de la Convención Ramsar. Es por ello que si bien en principio Costa Rica no tiene inconveniente en que de manera adicional también se hagan mediciones de caudal en la zona del caño este, como Su Excelencia lo propone, es necesario que en primera instancia se mida el caudal del río San Juan antes y después del Delta del río Colorado. Para ello, Costa Rica mantiene la propuesta de que se hagan mediciones en los tres lugares propuestos: en el río San Juan, 500 metros antes de la bifurcación con el río Colorado y 500 metros abajo luego de la bifurcación, y en el río Colorado, 500 metros río debajo de dicha bifurcación.

En cuanto al lugar de la reunión técnica, si bien se agradece el ofrecimiento de Nicaragua de que la misma se realice en San Juan del Norte, estimamos que es más conveniente una ubicación con mayores facilidades en cuanto a acceso y reunión, por lo que Costa Rica mantiene su propuesta de que sea en San José, o bien en la ciudad de Liberia. Para este fin, proponemos el día jueves 6 de noviembre. A efectos de iniciar los preparativos para la reunión, mucho apreciaremos se nos informe a la brevedad la disposición de Nicaragua de sostener la reunión, así como la integración de la delegación nicaragüense.

Le ruego aceptar las muestras de mi consideración.


Alejandro Solano Ortiz
Ministro a.i.



Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Recb.
María Estela
11:00 am
29/10/14

ANNEX 43

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference MRE/DM-AJ/448/11/14

3 November 2014

English Translation and Spanish Original

THE MINISTER OF FOREIGN AFFAIRS

Managua, 3 November 2014
MRE/DM-AJ/448/11/14

Dear Minister,

I write to you following receipt of your Note DM-AM-0672-14 of 28 October of this year, concerning the recommendations set out by the Secretariat of the Ramsar Convention in its Report number 77.

In this respect, I must reiterate to your Government what I have said on a number of occasions concerning the willingness of the Republic of Nicaragua to hold a Technical Meeting in order to address all the details of such activities.

In view of the importance of what the Court said in its Orders of 8 March 2011 and 22 November 2013 concerning the participation of the Secretariat of the Ramsar Convention, the Government of Reconciliation and National Unity of the Republic of Nicaragua, and in accordance with the Report No. 77 issued by the Secretariat, considers the accompaniment of Ramsar to be necessary in the implementation of the activities set out in the recommendations and conclusions of the said Report, which is the reason why we are sending a copy of this letter and extending a formal invitation to this organisation.

I also take this opportunity to refer to the content of your Notes DM-AM-0639-14 of 21 October 2014 and DM-AM-0672-2014 of 28 October 2014, in which reference is made to certain activities recommended in Report 77 and which according to the said Notes would be carried out on the territory of Nicaragua.

In this respect, the Government of Reconciliation and National Unity of the Republic of Nicaragua refers to the content of the Ramsar Report No. 77, the object of which according to paragraph 2 was “to evaluate the impact of two new caños” including “a visit to the area of the two new caños”, and not a study of the disputed territory. The conclusion of this report can be particularly appreciated in section Number 7 of the same Report, entitled “proposed scenarios and next steps”, in which paragraph 6 states as follows:

“Similarly, it is indispensable to carry out as soon as possible a monitoring programme in the area of the East Caño including the East Lagoon as indicated in communication of 7 May 2014. The said monitoring should comprise as a minimum: obtaining aerial photographs and/or satellite images, on a monthly basis of the entire length of the East Caño between the San Juan River and the beach (East Lagoon).”

Excellency, a reading of this text makes plain that Ramsar was not recommending that activities be undertaken in the way that is suggested in your Notes DM-AM-0639-14 and DM-AM-0672-2014, nevertheless, the abovementioned Ramsar Report clearly establishes in the said text that such monitoring activities should be carried out in the areas adjacent to the East Caño, as we stated in our Note of 27 October 2013,

reference MRE/DM-AJ/439/10/14, which is reiterated by Ramsar in its conclusions of said Report, Section 8, which at points 5 and 6 state in terms:

“Monitoring of the area of the East Caño should be implemented as soon as possible to evaluate its impact in view of the morphological and hydrological variables. It is recommended that measurements are taken of the section of the EC [East Caño] in the dry season, period in which there is less rain.”
[emphasis in original Spanish]

For the above reasons, the Government of Nicaragua does not understand the reasons to emphasise [the taking of] measurements in the San Juan [River] in waters located before and after the Delta, because the recommendation of priority (“as soon as possible”) is [the taking of measurements] “in the area of the east caño”. Certainly, in its Report, Ramsar also states:

“Additionally, it is necessary to implement and maintain an ongoing register of the flow of the Colorado River (waters above and below its bifurcation with the San Juan). The monitoring program and its results should be presented to the Ramsar Secretariat in order for it to follow-up and adjust accordingly”

However this recommendation (i) is not one of priority; and (ii) is to be addressed in [the establishment of] an ongoing register of indefinite duration “of the flow of the Colorado River” and not of the waters of the San Juan; (iii) if it concerns [carrying out] ongoing measurements of the San Juan [River] (Nicaraguan territory) then Ramsar would have had to consult with Nicaragua, as its wetlands would also be at issue, and it would have had to request this data from Nicaragua; (iv) the experts consulted by Nicaragua do not understand the relevance of measuring the flow of the Colorado, and moreover if it means doing so on Nicaraguan territory, like a study necessary to analyse the situation in the East Caño, located more than 30 kilometres away and where no waters from the Colorado flow.

Finally, I am pleased to inform you that the Government of Nicaragua accepts the date that you proposed of 6 November 2014, so that the activities to establish the corresponding methodology to that which is set out in the Secretariat of Ramsar’s Report number 77 can be accomplished in the city of Managua, which provides the conditions and facilities for this to be achieved.

Accept, Excellency, the assurances of my highest consideration.

Samuel Santos López

His Excellency
Manuel González Sanz
Minister of Foreign Affairs and Worship
Republic of Costa Rica



El Ministro de Relaciones Exteriores

Managua, 3 de noviembre de 2014

MRE/DM-AJ/448/11/14

Señor Ministro:

Me dirijo a usted en ocasión de acusar recibo de su Nota DM-AM-0672-14 de fecha 28 de octubre del año en curso, relativa a las recomendaciones formuladas por la Secretaría de la Convención de RAMSAR en su Informe número 77.

Al respecto, tengo a bien reiterar a su Gobierno lo manifestado en diversas oportunidades sobre la disposición de la República de Nicaragua de celebrar una Reunión Técnica a fin de abordar todos los detalles de tales actividades.

Vista la importancia que dio la Corte en sus Ordenanzas del 8 de marzo de 2011 y 22 de noviembre de 2013 a la participación de la Secretaría de la Convención RAMSAR, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, y en consonancia con el informe No. 77 emitido por esa Secretaría estima necesario el acompañamiento de RAMSAR, en la implementación de las actividades señaladas en las recomendaciones y conclusiones de dicho Informe, razón por la cual, estamos enviando copia de esta carta, y girando una invitación formal a ese organismo.

Me permito así mismo, hacer referencia al contenido de sus notas DM-AM-0639-14 de fecha 21 de octubre de 2014 y DM-AM-0672-2014 de fecha 28 de octubre de 2014, en las cuales hace referencia a ciertas actividades recomendadas en el Informe 77 y que según dichas notas se ejecutarían en el territorio de Nicaragua.



Excelentísimo Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica

El Ministro de Relaciones Exteriores

Página No. 2
3/11/14

A este respecto, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua se refiere al contenido del informe RAMSAR No. 77 cuyo objetivo según el párrafo 2 era "evaluar el impacto de dos nuevos caños" que incluyó una "visita al área de los dos nuevos caños" y no es un estudio sobre el territorio en disputa. Las conclusiones de ese informe, se pueden apreciar particularmente en el apartado Número 7 del mismo denominado "Escenarios propuestos y pasos a seguir", el cual en su párrafo sexto a la letra dice:

"Igualmente, es indispensable iniciar a la brevedad posible un programa de monitoreo en el área del Caño Este incluyendo la Laguna Este como se indica en la comunicación del 7 de mayo de 2014. Dicho monitoreo debe contener como mínimo: la obtención de fotografías aéreas y/o imágenes satelitales, con frecuencia mensual en toda la extensión del Caño Este, entre el río San Juan y la playa (Laguna Este)."

Excelencia, de la lectura de dicho texto resulta claro que RAMSAR no recomienda realizar actividad alguna en la forma en que se manifiesta en sus notas DM-AM-0639-14 2014 y DM-AM-0672-2014, empero, el Informe RAMSAR antes citado más bien establece en dicho texto que tales actividades de monitoreo deben realizarse en las zonas aledañas del Caño Este, tal y como lo manifestamos en nuestra nota del 27 de octubre del 2013, referencia MRE/ DM-AJ/439/10/14, lo cual es reiterado por RAMSAR en las conclusiones de dicho informe, Apartado 8, que en los puntos 5 y 6 literalmente dice:

"Se debe implementar a la brevedad posible un monitoreo en el área del Caño Este para evaluar su comportamiento considerando variables morfológicas e hidrológicas. Se recomienda realizar mediciones de la sección del CE en tiempo de estiaje, época en donde las precipitaciones son menores".

Por lo anteriormente dicho, el Gobierno de Nicaragua no comprende las razones para enfatizar mediciones en el San Juan en aguas situadas antes y después del Delta, ya que la recomendación prioritaria ("a la brevedad posible") es "en el área del caño este". Ciertamente en su informe Ramsar también dice:



El Ministro de Relaciones Exteriores

Página No.3
03-11-4

"Adicionalmente, es necesario implementar y mantener un registro continuo de caudales del río Colorado (aguas arriba y debajo de su bifurcación con el río San Juan). El plan de monitoreo y los resultados del mismo deben presentarse a la Secretaría de Ramsar para poder realizar el seguimiento y ajuste respectivo."

Pero esta recomendación (i) no es dada como prioritaria; (ii) se trata de un registro continuo de duración indefinida "de caudales del Río Colorado" y no de las aguas del San Juan; (iii) si se tratase de mediciones continuas en el San Juan (territorio Nicaragüense) es de suponer que Ramsar habría consultado con Nicaragua, de cuyos humedales también se trata, y habría pedido esos datos a Nicaragua; (iv) los especialistas consultados por Nicaragua no entienden la relevancia de medir los caudales del Colorado, y más si esto implica hacerlo en territorio nicaragüense, como un estudio necesario para analizar la situación en el caño Este, situado a más de 30 kilómetros de distancia y por donde no fluyen las aguas del Colorado.

Finalmente, me complace en comunicarle que el Gobierno de Nicaragua acepta la fecha por usted propuesta para el día 6 de noviembre de 2014, con el fin de que las actividades para establecer la metodología correspondiente a lo establecido en el informe número 77 de la Secretaría de RAMSAR se pueda realizar en la ciudad de Managua, la cual presta las condiciones y facilidades para la celebración de la misma.

Acepte Excelencia las muestras de mi más alta consideración.

Samuel Santos López



ANNEX 44

Note from the Minister of Foreign Affairs of Nicaragua to the Secretary
General of the Ramsar Convention
Reference MRE/DM-AJ/449/11/14

3 November 2014

English Translation and Spanish Original

THE MINISTER OF FOREIGN AFFAIRS

Managua, 3 November 2014
MRE/DM-AJ/449/11/14

Honorable Mr. Secretary:

I refer to the Final Report of Ramsar Mission No. 77 on the Caribe Noreste Wetland of International Importance, Costa Rica, dated August 2014, mission that was carried out from 10 to 13 March of that same year, in accordance with the provisions of the Orders of the International Court of Justice on Provisional measures of 8 March 2011 and 22 November 2013.

Nicaragua and Costa Rica have agreed on holding a technical meeting on 6 November 2014, in order to deal with all details concerning the activities derived from said report 77. I am attaching a copy of the letter sent to Costa Rica.

To this end, the Government of National Reconciliation and Unity of the Republic of Nicaragua, considering that the conclusions and recommendations of said report establish certain activities to be carried out in Nicaraguan territory, considers that it is important for the Ramsar Secretariat to take an active part in this process, accompanying us during its implementation.

Nicaragua is honoured to extend this invitation to the Ramsar Secretariat to actively participate in these activities.

I avail myself of this opportunity to reiterate the assurances of my consideration.

Samuel Santos López

Honourable Mr.
Christopher Briggs
Secretary General
Ramsar Convention

El Ministro de Relaciones Exteriores

Managua, 3 de noviembre de 2014

MRE/DM-AJ/449/11/14

Honorable Señor Secretario:

Me refiero al Informe Final de la Misión Ramsar de Asesoramiento No. 77 en el Humedal de Importancia Internacional Caribe Noreste, Costa Rica del mes de agosto de 2014, misión realizada del 10 al 13 de Marzo del mismo año, en atención a las Ordenanzas de la Corte Internacional de Justicia del 8 de marzo de 2011 y 22 de noviembre de 2013.

Nicaragua y Costa Rica, coincidimos en celebrar una reunión técnica el día 6 de noviembre del 2014, a fin de abordar todos los detalles de las actividades que se derivan del informe 77. Adjunto copia de la carta que se envió a Costa Rica.

Al respecto, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, considerando que las recomendaciones y conclusiones de dicho informe establecen ciertas actividades que se deben realizar en territorio Nicaragüense, valora altamente la importancia de que durante la realización de las mismas, la Secretaría de la Convención RAMSAR, participe activamente en el proceso, acompañándonos durante su implementación.

Nicaragua se complace en formalizar la invitación a la Secretaría de la Convención Ramsar para que participe acompañándonos en dichas actividades.

Aprovecho la oportunidad Señor Secretario General para reiterar las muestras de mi consideración.

Samuel Santos López



Honorable Señor
Christopher Briggs
Secretario General
Convención RAMSAR
Su Despacho

ANNEX 45

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-0697-14

5 November 2014

English Translation and Spanish Original

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

5 November 2014

DM-AM-0697-14

Your Excellency,

I write in reference to your letter MRE/DM-AJ/448/11/14, dated 3 November 2014, delivered to Costa Rica last night, in reference to joint measurements of the San Juan and Colorado Rivers. As explained in our letter of 21 October 2014, Costa Rica's proposal concerning joint measurements of the waters of the San Juan was made following a recommendation made by Ramsar in their Report number 77.

As you have noted in your note of 3 November, Ramsar made further recommendations in that Report relating to the monitoring of the eastern caño and relating to further remediation works which may also be required in respect of that caño. As you are well aware, the eastern caño is in the disputed territory. The Court's provisional measures orders of March 2011 and November 2013 authorize only Costa Rican personnel charged with protection of the environment to access the disputed territory and to undertake activities there to prevent irreparable prejudice to the environment. Costa Rica has kept the Court and Nicaragua well informed of its activities in the disputed territory and will continue to do so. Any monitoring of the waters in the eastern caño or any other part of the disputed territory will be performed by Costa Rica in consultation with the Ramsar Secretariat, and notifying Nicaragua when required, in accordance with the Court's provisional measures orders.

Regarding the joint measurement of the San Juan and Colorado rivers that my country has proposed, Sir, we do not understand why your country resists the idea of having these measurements carried out in the sites proposed by Costa Rica, in accordance with the recommendation of the Ramsar Secretariat. Costa Rica has accepted your proposal to carry out joint measurements in the lower San Juan, in the vicinity area of the caños (although not in the disputed territory, as this would be in breach of the Court's orders), but by the same measure there seems to be no reason why Nicaragua resists to perform measurements in those sites, in accordance with Ramsar's recommendation.

Costa Rica has kindly invited Nicaragua to come to Costa Rica for a technical meeting to this end. By the terms of your note, I understand that your country declines this invitation. If your Excellency confirms Nicaragua's willingness to accept flow measurements in the sites proposed by Costa Rica, based on the Ramsar recommendation, and in light of the importance of finding common solutions, my country maintains its invitation to hold the meeting in city of San José. Alternatively, it could be done in the Costa Rican border facilities at Peñas Blancas.

Costa Rica reiterates that the subject matter of the meeting will only be the flow measurements of the San Juan and Colorado Rivers, and that the meeting is called for to allow the technical teams of both countries to agree on a timetable and on the sharing of resources to carry out this task. Costa Rica further proposes that the meeting be re-scheduled for Wednesday 12 November. My country would appreciate to receive Nicaragua's answer confirming your participation in this meeting as soon as possible.

Accept Excellency the assurances of my consideration.

Manuel A. González Sanz
Minister

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

5 de noviembre de 2014

DM-AM-0697-14

Excelentísimo señor:

Me dirijo a usted con ocasión de hacer referencia a su nota MRE/DM-AJ/448/11/14, de fecha 3 de noviembre de 2014, que fue entregada a Costa Rica ese mismo día en horas de la noche, sobre las mediciones conjuntas de los ríos San Juan y Colorado.

Como se explica en nuestra carta del 21 de octubre de 2014, la propuesta de Costa Rica concerniente a las mediciones de las aguas del río San Juan, fue hecha a raíz de una recomendación del Reporte número 77 de Ramsar.

Como usted ha señalado en su nota de 3 de noviembre, Ramsar hizo otras recomendaciones en ese informe, con relación a la supervisión del caño este y relativas a los trabajos de remediación adicionales, que podrían ser necesarios con respecto al mismo caño. Como usted bien sabe, el caño este se encuentra en el territorio en disputa. Las providencias de la Corte sobre medidas provisionales de marzo de 2011 y de noviembre de 2013, autorizan solamente al personal costarricense encargado de la protección ambiental a tener acceso a dicho territorio, para realizar las acciones necesarias tendientes a evitar un perjuicio irreparable al ambiente. Costa Rica ha mantenido informadas, tanto a la Corte como a Nicaragua, sobre las acciones en el territorio en disputa, y continuará haciéndolo. El monitoreo de las aguas en el caño este o de cualquier otra parte del territorio en disputa, será realizado por Costa Rica en consulta con la Secretaría de Ramsar, y cuando corresponda, notificando a Nicaragua de cualquier ingreso, conforme con las providencias de medidas provisionales ordenadas por la Corte.

Con respecto a la medición conjunta de los ríos San Juan y Colorado que mi país ha propuesto, no comprendemos, señor Ministro, por qué su país se resiste a que se realicen dichas mediciones en los sitios propuestos por Costa

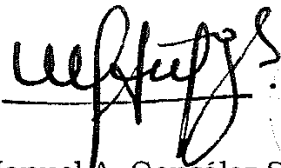
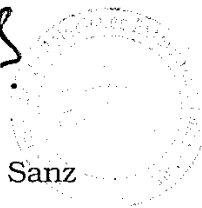
Recb.
M. Patricia C. F. L.
5/11/14 2.00.00

Rica, en concordancia con las recomendaciones de la Secretaría de Ramsar. Costa Rica ha aceptado su propuesta de realizar las mediciones en el bajo San Juan y en el área próxima a los caños (aunque no dentro del territorio en disputa, ya que hacerlo sería contrario a las medidas provisionales dictadas por la Corte); de la misma manera, no hay razón por la cual Nicaragua se resista a que estas mediciones se realicen en los sitios propuestos, en acatamiento a la recomendación hecha por la Secretaría de Ramsar.

Costa Rica ha invitado cordialmente a Nicaragua a asistir a una reunión técnica para estos efectos. Sin embargo, por los términos de su nota, entiendo que su país rechaza esta invitación. No obstante, si su Excelencia confirma la voluntad de Nicaragua para aceptar las mediciones de caudal en los lugares propuestos por Costa Rica con base en la recomendación de Ramsar, y a la luz de la importancia de encontrar soluciones comunes, mi país mantiene su invitación a celebrar la reunión en la ciudad de San José. Alternativamente, podría realizarse en las instalaciones fronterizas costarricenses en Peñas Blancas.

Costa Rica reitera que la reunión solamente versará sobre las mediciones de caudal de los ríos San Juan y Colorado y que, la reunión se convoca solo para permitir que los equipos técnicos de ambos países se pongan de acuerdo sobre un cronograma y con la intención de compartir recursos que permitan realizar esta tarea. Costa Rica propone, además, que la reunión sea reprogramada para el día miércoles 12 de noviembre. Mi país agradecería recibir la respuesta de Nicaragua confirmando su participación en esta reunión prontamente.

Le reitero las seguridades de mi consideración.



Manuel A. González Sanz
Ministro

Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

ANNEX 46

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Secretary General of the Ramsar Convention
Reference DM-AM-0706-14

6 November 2014

English Translation and Spanish Original

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

6 November 2014
DM-AM-0706 -14

Honourable Secretary General:

I have the pleasure of greeting you in order to inform you that the Government of Costa Rica has taken cognizance of note MRE/DM-AJ/449/11/14 dated 3 November of the current year, addressed by the Minister of Foreign Affairs of Nicaragua to the Secretary General of the Ramsar Convention. In that note, Nicaragua refers to discussions with Costa Rica concerning joint measurements on the San Juan River. The full context of those discussions can be seen from the attached notes from Costa Rica to Nicaragua numbers DM-AM-0639-14 of 21 October, DM-AM-0672-14 of 28 October, and DM-AM-0697-14 of 5 November, as well as note from Nicaragua to Costa Rica number MRE/DM/AJ/439/10/14 of 27 October.

As is apparent from the attached correspondence, Costa Rica proposed Nicaragua that joint measurements be carried on in the San Juan and Colorado rivers, in the area of the Delta, in conformity with the recommendation made in the RAM Mission Report N° 77. Nicaragua suggested that measurements be carried out in the San Juan River in the area near the eastern *caño* in Isla Portillos, which is the subject of detailed analysis in Report N° 77. Costa Rica agreed to this proposal but has maintained that measurements should also be carried out on the San Juan and Colorado rivers, and in the area of the Delta, as suggested in Report N° 77. As Nicaragua so far has not accepted to perform measurements in this area, at the moment the two States have not been able to reach an agreement. Nor has any agreement been reached regarding a future technical meeting, as the date and location of such meeting have not yet been finalised, nor has Nicaragua agreed on the subjects of discussions as proposed by Costa Rica. The current position is as set out in Costa Rica's note DM-AM-0697-14, dated 5 November. Costa Rica is surprised that Nicaragua rushed to send its communication to the Ramsar Secretariat under these circumstances.

Costa Rica remains willing to discuss this matter with Nicaragua, and is hopeful of reaching an agreement to carry out joint measurements in the areas proposed in Report No 77. In this context, Costa Rica welcomes the participation of the Ramsar General Secretariat, should that be its decision.

Please accept, honourable Secretary General, the assurances of my highest consideration.

Manuel A. González Sanz
Minister

**Honourable
Christopher Briggs
Secretary General
Ramsar Convention on Wetlands
Gland, Switzerland**

C.c.: H. E. Philippe Couvreur, Registrar, International Court of Justice
H.E. Samuel Santos, Minister of Foreign Affairs, Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

6 de noviembre de 2014
DM-AM-0706 -14

Honorable señor Secretario General:

Me es grato saludarle en ocasión de informarle que el Gobierno de Costa Rica ha tenido conocimiento de la nota MRE/DM-AJ/449/11/14, de fecha 3 de noviembre del año en curso, dirigida por el Ministro de Relaciones Exteriores de Nicaragua, al señor Secretario General de la Convención de Ramsar sobre Humedales. En esta nota Nicaragua se refiere a discusiones con Costa Rica sobre mediciones conjuntas en el río San Juan. El contexto general de estas discusiones se puede comprender por medio de las notas adjuntas de Costa Rica a Nicaragua números DM-AM-0639-14 de 21 de octubre, DM-AM-0672-14 de 28 de octubre y DM-AM- 0697-14 de 5 de noviembre, así como de la nota de Nicaragua a Costa Rica número MRE/DM/AJ/439/10/14 de 27 de octubre.

Como se observa de la correspondencia adjunta, Costa Rica propuso a Nicaragua la realización de mediciones conjuntas del caudal en los ríos San Juan y Colorado, en la zona del Delta, de conformidad con la recomendación hecha en el Informe de la Misión RAM N° 77. Nicaragua sugirió que se llevaran a cabo mediciones en el río San Juan en la zona cercana el caño este en Isla Portillos, que es objeto de un análisis detallado en el Informe RAM N° 77. Costa Rica aceptó esta propuesta, pero insiste en que también se deben realizar mediciones en los ríos San Juan y Colorado, tal como lo sugiere el Informe RAM N° 77. Como hasta la fecha Nicaragua no ha aceptado realizar las mediciones en esta zona, no se ha logrado un acuerdo entre ambos países. Tampoco se ha logrado acuerdo en relación a una futura reunión técnica, dado que no hay consenso ni sobre su fecha ni el lugar, ni sobre los temas de la agenda que Costa Rica ha propuesto. La posición actual de Costa Rica se encuentra en la nota DM-AM-0697-14 de fecha 5 de noviembre. A Costa Rica le causa sorpresa que Nicaragua se haya apresurado a presentar su comunicación a la Secretaría de Ramsar bajo estas circunstancias.

Costa Rica mantiene su disposición de continuar el diálogo con Nicaragua, y confía que se pueda lograr un entendimiento que permita realizar las mediciones conjuntas en las zonas propuestas en el Informe N° 77. En este contexto, Costa Rica agradece el acompañamiento de la Secretaría General de Ramsar, si fuera ésta su decisión.

Le ruego aceptar, señor Secretario General, las muestras de mi mayor consideración.


Manuel A. González Sanz
Ministro



**Honorable Señor
Christopher Briggs
Secretario General
Convención Ramsar sobre los Humedales
Gland, Suiza**

C.c.: S. E. Philippe Couvreur, Secretario, Corte Internacional de Justicia
S.E. Samuel Santos, Ministro de Relaciones Exteriores, República de Nicaragua

El Ministro de Relaciones Exteriores y Culto

21 de octubre de 2014
DM-AM- 0639-14

Excelentísimo señor:

Hago referencia al reporte número 79 de la Secretaría de Ramsar, que fuera comunicado a su país por la Corte Internacional de Justicia en o alrededor del 22 de Agosto de 2014.

Una de las recomendaciones del reporte es la realización de mediciones de las aguas del Río San Juan, con el objeto de establecer su volumen y su impacto en el Humedal Caribe Noreste.

Costa Rica propone que esta recomendación se realice en tres lugares: el primero en el Río San Juan, 500 metros río arriba antes de la bifurcación con el Río Colorado; el segundo en el Río Colorado, 500 metros río debajo de dicha bifurcación; y el tercero en el bajo San Juan, 500 metros río abajo de esa bifurcación.

Proponemos que estas mediciones se tomen conjuntamente por Costa Rica y Nicaragua, durante los meses de Noviembre y Diciembre de 2014, y el mes de Enero de 2015. Estas mediciones contribuirán a estimar el flujo de aguas del Río San Juan, y también ayudará a extraer las conclusiones que sugiere la Secretaría de Ramsar.

Si su Gobierno estuviera de acuerdo, Costa Rica propone una reunión técnica en San José, el día 30 de octubre de 2014, de forma tal que los equipos técnicos de ambos países alcancen un acuerdo sobre compartir recursos, la frecuencia y las fechas y tiempos específicos en que las mediciones en los tres sitios propuestos pueden tomar lugar.

Le ruego aceptar las muestras de mi consideración.


Manuel A. González Sanz
Ministro



Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Recb.
Ma. Tatiana Ochoa
22/10/14
11:55 am.

El Ministro de Relaciones Exteriores

Managua, 27 de octubre de 2014

MRE/DM-AJ/439/10/14

Excelentísimo Señor:

Me refiero a su Nota del 21 de Octubre (DM-AM-0639-14) en la que propone la realización de mediciones de las aguas del Río San Juan de Nicaragua con el objeto de establecer su volumen e impacto en el humedal ubicado en Harbour Head, según lo recomendado por RAMSAR en su informe 77.

Al respecto, tengo a bien reiterar a su Gobierno sobre la buena disposición de Nicaragua para celebrar una Reunión Técnica donde se puedan abordar todos los detalles de tales actividades.

En ese sentido, y sin perjuicio de lo que se vaya a abordar durante dicha Reunión, le informo sobre algunas de las Observaciones Generales y Preliminares de Nicaragua.

Los Técnicos nicaragüenses consideran que tales mediciones deben tener lugar en las Zonas pertinentes, es decir aledañas, al *Caño Este* y al humedal inmediato al caño y que bastaría con realizarlas en el área del bajo Río San Juan.

También llaman la atención a la importancia de utilizar una metodología adecuada para los fines descritos y esperan poder discutir estos detalles durante la Reunión Técnica.

Dicho lo anterior, y en relación a la celebración de la Reunión, le informo que en principio, Nicaragua enfrenta algunas inconveniencias para asistir a la Reunión en la fecha propuesta por Costa Rica, por lo que ponemos a su consideración que la misma se efectúe durante la semana que inicia el 3 de Noviembre y ofrece recibir al Equipo de Costa Rica en San Juan de Nicaragua, lugar que también considera más pertinente para tales fines.

Acepte Excelencia las muestras de mi más alta consideración

Samuel Santos López



Excelentísimo Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica

El Ministro de Relaciones Exteriores y Culto

San José, 28 de octubre de 2014
DM-AM-0672-14

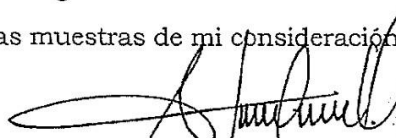
Excelentísimo señor:


Me es grato saludarle con ocasión de referirme a su nota MRE/DM/AJ/439/10/14 de 27 de octubre del corriente, en relación con las recomendaciones hechas por la Secretaría de la Convención de Ramsar mediante su Informe RAM número 77.

A la vez que agradezco su amable respuesta, le reitero que las mediciones conjuntas al caudal del río San Juan que Costa Rica propuso tienen el fin de cumplir con lo solicitado por la Secretaría de la Convención Ramsar. Es por ello que si bien en principio Costa Rica no tiene inconveniente en que de manera adicional también se hagan mediciones de caudal en la zona del caño este, como Su Excelencia lo propone, es necesario que en primera instancia se mida el caudal del río San Juan antes y después del Delta del río Colorado. Para ello, Costa Rica mantiene la propuesta de que se hagan mediciones en los tres lugares propuestos: en el río San Juan, 500 metros antes de la bifurcación con el río Colorado y 500 metros abajo luego de la bifurcación, y en el río Colorado, 500 metros río debajo de dicha bifurcación.

En cuanto al lugar de la reunión técnica, si bien se agradece el ofrecimiento de Nicaragua de que la misma se realice en San Juan del Norte, estimamos que es más conveniente una ubicación con mayores facilidades en cuanto a acceso y reunión, por lo que Costa Rica mantiene su propuesta de que sea en San José, o bien en la ciudad de Liberia. Para este fin, proponemos el día jueves 6 de noviembre. A efectos de iniciar los preparativos para la reunión, mucho apreciaremos se nos informe a la brevedad la disposición de Nicaragua de sostener la reunión, así como la integración de la delegación nicaragüense.

Le ruego aceptar las muestras de mi consideración.


Alejandro Solano Ortiz
Ministro a.i.



Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Recb.
Na. Santos López
11:00 am
29/10/14

El Ministro de Relaciones Exteriores

Managua, 3 de noviembre de 2014

MRE/DM-AJ/449/11/14

Honorable Señor Secretario:

Me refiero al Informe Final de la Misión Ramsar de Asesoramiento No. 77 en el Humedal de Importancia Internacional Caribe Noreste, Costa Rica del mes de agosto de 2014, misión realizada del 10 al 13 de Marzo del mismo año, en atención a las Ordenanzas de la Corte Internacional de Justicia del 8 de marzo de 2011 y 22 de noviembre de 2013.

Nicaragua y Costa Rica, coincidimos en celebrar una reunión técnica el día 6 de noviembre del 2014, a fin de abordar todos los detalles de las actividades que se derivan del informe 77. Adjunto copia de la carta que se envió a Costa Rica.

Al respecto, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, considerando que las recomendaciones y conclusiones de dicho informe establecen ciertas actividades que se deben realizar en territorio Nicaragüense, valora altamente la importancia de que durante la realización de las mismas, la Secretaría de la Convención RAMSAR, participe activamente en el proceso, acompañándonos durante su implementación.

Nicaragua se complace en formalizar la invitación a la Secretaría de la Convención Ramsar para que participe acompañándonos en dichas actividades.

Aprovecho la oportunidad Señor Secretario General para reiterar las muestras de mi consideración.

Samuel Santos López



Honorable Señor
Christopher Briggs
Secretario General
Convención RAMSAR
Su Despacho

El Ministro de Relaciones Exteriores

Managua, 3 de noviembre de 2014

MRE/DM-AJ/448/11/14

Señor Ministro:

Me dirijo a usted en ocasión de acusar recibo de su Nota DM-AM-0672-14 de fecha 28 de octubre del año en curso, relativa a las recomendaciones formuladas por la Secretaría de la Convención de RAMSAR en su Informe número 77.

Al respecto, tengo a bien reiterar a su Gobierno lo manifestado en diversas oportunidades sobre la disposición de la República de Nicaragua de celebrar una Reunión Técnica a fin de abordar todos los detalles de tales actividades.

Vista la importancia que dio la Corte en sus Ordenanzas del 8 de marzo de 2011 y 22 de noviembre de 2013 a la participación de la Secretaría de la Convención RAMSAR, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, y en consonancia con el informe No. 77 emitido por esa Secretaría estima necesario el acompañamiento de RAMSAR, en la implementación de las actividades señaladas en las recomendaciones y conclusiones de dicho Informe, razón por la cual, estamos enviando copia de esta carta, y girando una invitación formal a ese organismo.

Me permito así mismo, hacer referencia al contenido de sus notas DM-AM-0639-14 de fecha 21 de octubre de 2014 y DM-AM-0672-2014 de fecha 28 de octubre de 2014, en las cuales hace referencia a ciertas actividades recomendadas en el Informe 77 y que según dichas notas se ejecutarían en el territorio de Nicaragua.

Excelentísimo Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica



El Ministro de Relaciones Exteriores

Página No. 2

3/11/14

A este respecto, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua se refiere al contenido del informe RAMSAR No. 77 cuyo objetivo según el párrafo 2 era "evaluar el impacto de dos nuevos caños" que incluyó una "visita al área de los dos nuevos caños" y no es un estudio sobre el territorio en disputa. Las conclusiones de ese informe, se pueden apreciar particularmente en el apartado Número 7 del mismo denominado "Escenarios propuestos y pasos a seguir", el cual en su párrafo sexto a la letra dice:

"Igualmente, es indispensable iniciar a la brevedad posible un programa de monitoreo en el área del Caño Este incluyendo la Laguna Este como se indica en la comunicación del 7 de mayo de 2014. Dicho monitoreo debe contener como mínimo: la obtención de fotografías aéreas y/o imágenes satelitales, con frecuencia mensual en toda la extensión del Caño Este, entre el río San Juan y la playa (Laguna Este)."

Excelencia, de la lectura de dicho texto resulta claro que RAMSAR no recomienda realizar actividad alguna en la forma en que se manifiesta en sus notas DM-AM-0639-14 2014 y DM-AM-0672-2014, empero, el Informe RAMSAR antes citado más bien establece en dicho texto que tales actividades de monitoreo deben realizarse en las zonas aledañas del Caño Este, tal y como lo manifestamos en nuestra nota del 27 de octubre del 2013, referencia MRE/ DM-AJ/439/10/14, lo cual es reiterado por RAMSAR en las conclusiones de dicho informe, Apartado 8, que en los puntos 5 y 6 literalmente dice:

"Se debe implementar a la brevedad posible un monitoreo en el área del Caño Este para evaluar su comportamiento considerando variables morfológicas e hidrológicas. Se recomienda realizar mediciones de la sección del CE en tiempo de estiaje, época en donde las precipitaciones son menores".

Por lo anteriormente dicho, el Gobierno de Nicaragua no comprende las razones para enfatizar mediciones en el San Juan en aguas situadas antes y después del Delta, ya que la recomendación prioritaria ("a la brevedad posible") es "en el área del caño este". Ciertamente en su informe Ramsar también dice:



El Ministro de Relaciones Exteriores

Página No.3

03-11-4

"Adicionalmente, es necesario implementar y mantener un registro continuo de caudales del río Colorado (aguas arriba y debajo de su bifurcación con el río San Juan). El plan de monitoreo y los resultados del mismo deben presentarse a la Secretaría de Ramsar para poder realizar el seguimiento y ajuste respectivo."

Pero esta recomendación (i) no es dada como prioritaria; (ii) se trata de un registro continuo de duración indefinida "de caudales del Río Colorado" y no de las aguas del San Juan; (iii) si se tratase de mediciones continuas en el San Juan (territorio Nicaragüense) es de suponer que Ramsar habría consultado con Nicaragua, de cuyos humedales también se trata, y habría pedido esos datos a Nicaragua; (iv) los especialistas consultados por Nicaragua no entienden la relevancia de medir los caudales del Colorado, y más si esto implica hacerlo en territorio nicaragüense, como un estudio necesario para analizar la situación en el caño Este, situado a más de 30 kilómetros de distancia y por donde no fluyen las aguas del Colorado.

Finalmente, me complazco en comunicarle que el Gobierno de Nicaragua acepta la fecha por usted propuesta para el día 6 de noviembre de 2014, con el fin de que las actividades para establecer la metodología correspondiente a lo establecido en el informe número 77 de la Secretaría de RAMSAR se pueda realizar en la ciudad de Managua, la cual presta las condiciones y facilidades para la celebración de la misma.

Acepte Excelencia las muestras de mi más alta consideración.

Samuel Santos López





El Ministro de Relaciones Exteriores y Culto

5 de noviembre de 2014
DM-AM-0697-14

Excelentísimo señor:

Me dirijo a usted con ocasión de hacer referencia a su nota MRE/DM-AJ/448/11/14, de fecha 3 de noviembre de 2014, que fue entregada a Costa Rica ese mismo día en horas de la noche, sobre las mediciones conjuntas de los ríos San Juan y Colorado.

Como se explica en nuestra carta del 21 de octubre de 2014, la propuesta de Costa Rica concerniente a las mediciones de las aguas del río San Juan, fue hecha a raíz de una recomendación del Reporte número 77 de Ramsar.

Como usted ha señalado en su nota de 3 de noviembre, Ramsar hizo otras recomendaciones en ese informe, con relación a la supervisión del caño este y relativas a los trabajos de remediación adicionales, que podrían ser necesarios con respecto al mismo caño. Como usted bien sabe, el caño este se encuentra en el territorio en disputa. Las providencias de la Corte sobre medidas provisionales de marzo de 2011 y de noviembre de 2013, autorizan solamente al personal costarricense encargado de la protección ambiental a tener acceso a dicho territorio, para realizar las acciones necesarias tendientes a evitar un perjuicio irreparable al ambiente. Costa Rica ha mantenido informadas, tanto a la Corte como a Nicaragua, sobre las acciones en el territorio en disputa, y continuará haciéndolo. El monitoreo de las aguas en el caño este o de cualquier otra parte del territorio en disputa, será realizado por Costa Rica en consulta con la Secretaría de Ramsar, y cuando corresponda, notificando a Nicaragua de cualquier ingreso, conforme con las providencias de medidas provisionales ordenadas por la Corte.

Con respecto a la medición conjunta de los ríos San Juan y Colorado que mi país ha propuesto, no comprendemos, señor Ministro, por qué su país se resiste a que se realicen dichas mediciones en los sitios propuestos por Costa

Recibido en el
Ministerio de Culto
6/11/14 3:00 pm

ref.

Rica, en concordancia con las recomendaciones de la Secretaría de Ramsar. Costa Rica ha aceptado su propuesta de realizar las mediciones en el bajo San Juan y en el área próxima a los caños (aunque no dentro del territorio en disputa, ya que hacerlo sería contrario a las medidas provisionales dictadas por la Corte); de la misma manera, no hay razón por la cual Nicaragua se resista a que estas mediciones se realicen en los sitios propuestos, en acatamiento a la recomendación hecha por la Secretaría de Ramsar.

Costa Rica ha invitado cordialmente a Nicaragua a asistir a una reunión técnica para estos efectos. Sin embargo, por los términos de su nota, entiendo que su país rechaza esta invitación. No obstante, si su Excelencia confirma la voluntad de Nicaragua para aceptar las mediciones de caudal en los lugares propuestos por Costa Rica con base en la recomendación de Ramsar, y a la luz de la importancia de encontrar soluciones comunes, mi país mantiene su invitación a celebrar la reunión en la ciudad de San José. Alternativamente, podría realizarse en las instalaciones fronterizas costarricenses en Peñas Blancas.

Costa Rica reitera que la reunión solamente versará sobre las mediciones de caudal de los ríos San Juan y Colorado y que, la reunión se convoca solo para permitir que los equipos técnicos de ambos países se pongan de acuerdo sobre un cronograma y con la intención de compartir recursos que permitan realizar esta tarea. Costa Rica propone, además, que la reunión sea reprogramada para el día miércoles 12 de noviembre. Mi país agradecería recibir la respuesta de Nicaragua confirmando su participación en esta reunión prontamente.

Le reitero las seguridades de mi consideración.




 Manuel A. González Sanz
Ministro

Excelentísimo señor
 Samuel Santos López
 Ministro de Relaciones Exteriores
 República de Nicaragua

ANNEX 47

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-0707-14

7 November 2014

English Translation and Spanish Original

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

7 November 2014
DM-AM-0707-14

Excellency,

In accordance with the procedure agreed by our two countries through diplomatic notes MRE / DM-AJ / 414/09/14 of 19 September 2014 and DM-AM-0574-14 of 22 September 2014, to comply with the Recommendations of the Ramsar Advisory Mission Report number 77 and based on the International Court of Justice Order of Provisional Measures of 22 November 2013, in the case concerning *Certain Activities carried out by Nicaragua in the Border Area*, I allow myself to communicate that Costa Rica has scheduled a visit to the area of the new “caños”. The purpose of the visit is to assess the current conditions in the area in preparation for the future activities related to the closure of the eastern “caño”.

To that end, a team of Costa Rican environmental protection personnel, specifically, officials of the Tortuguero Conservation Area (AcTo), will require navigating on the San Juan River, on Wednesday 12 November 2014. The list of officials who will navigate between Delta Costa Rica and the area of new “caños”, is as follows:

- 1) Erick Herrera Quesada (Administrator of the Wildlife Refuge Barra del Colorado), Captain. ID number: 7 0135 0102.
- 2) Miguel Aguilar Badilla (Control and Environmental Protection Technician posted in Barra del Colorado Wildlife refuge) companion to the captain, ID number: 1 0918 0911.
- 3) Miguel Araya Montero (Forest Engineer, Manager of ACTo Natural Resources administration), Coordinator for the inspection of the new “caños” area. ID number: 1 0896 0804.
- 4) Olman Mena Valverde (Forest Engineer, Head of the ACTo Forest Management program) Technical support to the coordinator for the inspection of the new “caños” area. ID number: 1 1041 0656.
- 5) Virgita Molina Sánchez (Legal Advisor ACTo), Legal Support on entering the new “caños” area, ID number: 7 0117 0380.

The aforementioned personnel, properly identified with their Costa Rican identity cards, will navigate in two official boats without registration, the first with an

overboard 25 hp engine, identified as "Calero" and the latter with an engine of 50 hp, identified as "Resbaloso", both owned by the Tortuguero Conservation Area. Depending on the conditions at the San Juan River at the time of the navigation, the designated officials will use one or both vessels. The boats will stop at the "Delta" Nicaraguan Border Post upon entering and leaving the San Juan River, in order to report to the authorities of your country.

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

Manuel A. González Sanz
Minister

Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

7 de noviembre de 2014
DM-AM-0707-14

Excelentísimo señor,

De conformidad con el procedimiento acordado por nuestros dos países, mediante notas diplomáticas MRE/DM-AJ/414/09/14 del 19 de septiembre de 2014 y DM-AM-0574-14 del 22 de septiembre de 2014, para dar cumplimiento a las recomendaciones contenidas en el informe de la Misión Ramsar de Asesoramiento número 77 y, con base en la Providencia de Medidas Provisionales de la Corte Internacional de Justicia del 22 de noviembre de 2013 en el caso *Ciertas Actividades desarrolladas por Nicaragua en la Zona Fronteriza*, me permito informar que Costa Rica ha programado visitar la zona de los nuevos caños. El propósito de la visita es hacer un reconocimiento de las condiciones actuales, en preparación de las actividades futuras relacionadas con el cierre del caño este.

Para este propósito, un equipo de funcionarios costarricenses de protección ambiental, (Área de Conservación Tortuguero - ACTo), debe navegar por el río San Juan el día miércoles 12 de noviembre de 2014. La lista de los funcionarios que navegarán entre el Delta Costa Rica y la zona de los nuevos caños, es la siguiente:

- 1) Erick Herrera Quesada (Administrador Refugio de Vida Silvestre Barra del Colorado), capitán de bote. Cédula: 701350102.
- 2) Miguel Aguilar Badilla (Técnico de control y protección ambiental, destacado en el Refugio de Vida Silvestre Barra del Colorado), acompañante de capitán de bote. Cédula: 109180911.
- 3) Miguel Araya Montero (Ingeniero Forestal, Gerente de Manejo de los Recursos Naturales de ACTo), coordinador de la inspección a los caños nuevos. Cédula: 108960804.
- 4) Olman Mena Valverde (Ingeniero Forestal, encargado del programa de Manejo Forestal, ACTo), apoyo técnico al coordinador de la inspección a los nuevos caños. Cédula: 110410656.
- 5) Virgita Molina Sánchez (Asesora Legal de ACTo), apoyo legal para ingreso a los caños nuevos. Cédula: 701170380.

Recb.
 Maratuciofull
 7/11/14 11:00 am

uf.

Los funcionarios indicados y debidamente identificados con sus cédulas de identidad costarricense, navegarán en dos embarcaciones, la primera con un motor fuera de borda de 25 caballos de fuerza, denominada "Calero" y, la segunda con un motor de 50 caballos de fuerza, denominada "Resbaloso", ambas propiedad del Área de Conservación Tortuguero (ACT). Dependiendo de las condiciones del río San Juan al momento de la navegación, los funcionarios utilizarán una o ambas embarcaciones, las que se reportarán al Puesto Fronterizo Nicaragüense del "Delta" al entrar y al salir del río San Juan.

Tal como se acordó por intercambio de notas realizado por medio de la Corte Internacional de Justicia, esta notificación se hace sin perjuicio de las posiciones de las partes en relación con el derecho costarricense de navegación en el río San Juan, de conformidad con el Tratado Cañas-Jerez de 15 de abril de 1858 y sus interpretaciones arbitrales y judiciales subsiguientes.

Aprovecho la oportunidad para reiterar las seguridades de mi consideración.


Manuel A. González Sanz
Ministro



**Excelentísimo Señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua**

ANNEX 48

Note from the Co-Agent of Costa Rica to the Registrar of the International
Court of Justice
Reference ECRPB-112-14

10 November 2014



Embassy of Costa Rica
Kingdom of the Netherlands

10 November 2014
Ref. ECRPB-112-2014

Excellency,

I have the honour to refer to the cases concerning *Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v Nicaragua)* and *Construction of a Road in Costa Rica along the San Juan River (Nicaragua v. Costa Rica)*.

I enclose, for the information of the Court, a letter from Costa Rica to the General Secretariat of the Ramsar Convention concerning recent discussions between Costa Rica and Nicaragua relating to the recommendations made by the Ramsar Secretariat to carry out measurements on the San Juan River. Related correspondence is also attached.

Costa Rica remains hopeful of reaching an agreement with Nicaragua for the carrying out of joint measurements as recommended by Ramsar, and committed to fulfilling its responsibilities pursuant to the Court's Orders of 8 March 2011 and 22 November 2013, to take appropriate measures to prevent irreparable prejudice to the environment of the disputed territory.

Accept, Sir, the assurances of my highest consideration.

Sergio Ugalde
Co-Agent
Republic of Costa Rica

His Excellency
Mr. Philippe Couvreur
Registrar
International Court of Justice
Peace Palace 2517 KJ
The Hague



R/ 40-11-2014
SOKB

16:30

Certification

I have the honour to certify that the following documents annexed to this letter are true copies and conform to the original documents and that the translations into English made by Costa Rica are accurate translations.

1. Note from the Minister of Foreign Affairs and Worship of Costa Rica to the Secretary General of the Ramsar Convention, Reference DM-AM-0706-14, 6 November 2014 (together with English translation).
2. Note from the Minister of Foreign Affairs and Worship of Costa Rica to the Minister of Foreign Affairs of Nicaragua, Reference DM-AM-0639-14, 21 October 2014 (together with English translation).
3. Note from the Minister of Foreign Affairs of Nicaragua to the Minister of Foreign Affairs and Worship of Costa Rica, Reference MRE/DM-AJ/439/10/14, 27 October 2014 (together with English translation).
4. Note from the acting Minister of Foreign Affairs and Worship of Costa Rica to the Minister of Foreign Affairs of Nicaragua, Reference DM-AM-0672-14, 28 October 2014 (together with English translation).
5. Note from the Minister of Foreign Affairs of Nicaragua to the to the Secretary General of the Ramsar Convention, Reference MRE/DM-AJ/449/11/14, 3 November 2014 (together with English translation).
6. Note from the Minister of Foreign Affairs of Nicaragua to the Minister of Foreign Affairs and Worship of Costa Rica, Reference MRE/DM-AJ/448/11/14, 3 November 2014 (together with English translation).
7. Note from the Minister of Foreign Affairs and Worship of Costa Rica to the Minister of Foreign Affairs of Nicaragua, Reference DM-AM-0697-14, 5 November 2014 (together with English translation).



Ambassador Sergio Ugalde
Co-Agent
Republic of Costa Rica

10 November 2014



R/ 10-11-2014

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

6 November 2014
DM-AM-0706 -14

Honourable Secretary General:

I have the pleasure of greeting you in order to inform you that the Government of Costa Rica has taken cognizance of note MRE/DM-AJ/449/11/14 dated 3 November of the current year, addressed by the Minister of Foreign Affairs of Nicaragua to the Secretary General of the Ramsar Convention. In that note, Nicaragua refers to discussions with Costa Rica concerning joint measurements on the San Juan River. The full context of those discussions can be seen from the attached notes from Costa Rica to Nicaragua numbers DM-AM-0639-14 of 21 October, DM-AM-0672-14 of 28 October, and DM-AM-0697-14 of 5 November, as well as note from Nicaragua to Costa Rica number MRE/DM/AJ/439/10/14 of 27 October.

As is apparent from the attached correspondence, Costa Rica proposed Nicaragua that joint measurements be carried on in the San Juan and Colorado rivers, in the area of the Delta, in conformity with the recommendation made in the RAM Mission Report N° 77. Nicaragua suggested that measurements be carried out in the San Juan River in the area near the eastern *caño* in Isla Portillos, which is the subject of detailed analysis in Report N° 77. Costa Rica agreed to this proposal but has maintained that measurements should also be carried out on the San Juan and Colorado rivers, and in the area of the Delta, as suggested in Report N° 77. As Nicaragua so far has not accepted to perform measurements in this area, at the moment the two States have not been able to reach an agreement. Nor has any agreement been reached regarding a future technical meeting, as the date and location of such meeting have not yet been finalised, nor has Nicaragua agreed on the subjects of discussions as proposed by Costa Rica. The current position is as set out in Costa Rica's note DM-AM-0697-14, dated 5 November. Costa Rica is surprised that Nicaragua rushed to send its communication to the Ramsar Secretariat under these circumstances.

Costa Rica remains willing to discuss this matter with Nicaragua, and is hopeful of reaching an agreement to carry out joint measurements in the areas proposed in Report No 77. In this context, Costa Rica welcomes the participation of the Ramsar General Secretariat, should that be its decision.

Please accept, honourable Secretary General, the assurances of my highest consideration.

Manuel A. González Sanz
Minister

**Honourable
Christopher Briggs
Secretary General
Ramsar Convention on Wetlands
Gland, Switzerland**

C.c.: H. E. Philippe Couvreur, Registrar, International Court of Justice
H.E. Samuel Santos, Minister of Foreign Affairs, Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

6 de noviembre de 2014
DM-AM-0706 -14

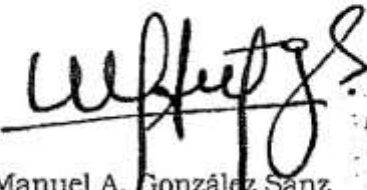
Honorable señor Secretario General:


Me es grato saludarle en ocasión de informarle que el Gobierno de Costa Rica ha tenido conocimiento de la nota MRE/DM-AJ/449/11/14, de fecha 3 de noviembre del año en curso, dirigida por el Ministro de Relaciones Exteriores de Nicaragua, al señor Secretario General de la Convención de Ramsar sobre Humedales. En esta nota Nicaragua se refiere a discusiones con Costa Rica sobre mediciones conjuntas en el río San Juan. El contexto general de estas discusiones se puede comprender por medio de las notas adjuntas de Costa Rica a Nicaragua números DM-AM-0639-14 de 21 de octubre, DM-AM-0672-14 de 28 de octubre y DM-AM-0697-14 de 5 de noviembre, así como de la nota de Nicaragua a Costa Rica número MRE/DM/AJ/439/10/14 de 27 de octubre.

Como se observa de la correspondencia adjunta, Costa Rica propuso a Nicaragua la realización de mediciones conjuntas del caudal en los ríos San Juan y Colorado, en la zona del Delta, de conformidad con la recomendación hecha en el Informe de la Misión RAM N° 77. Nicaragua sugirió que se llevaran a cabo mediciones en el río San Juan en la zona cercana el caño este en Isla Portillos, que es objeto de un análisis detallado en el Informe RAM N° 77. Costa Rica aceptó esta propuesta, pero insiste en que también se deben realizar mediciones en los ríos San Juan y Colorado, tal como lo sugiere el Informe RAM N° 77. Como hasta la fecha Nicaragua no ha aceptado realizar las mediciones en esta zona, no se ha logrado un acuerdo entre ambos países. Tampoco se ha logrado acuerdo en relación a una futura reunión técnica, dado que no hay consenso ni sobre su fecha ni el lugar, ni sobre los temas de la agenda que Costa Rica ha propuesto. La posición actual de Costa Rica se encuentra en la nota DM-AM-0697-14 de fecha 5 de noviembre. A Costa Rica le causa sorpresa que Nicaragua se haya apresurado a presentar su comunicación a la Secretaría de Ramsar bajo estas circunstancias.

Costa Rica mantiene su disposición de continuar el diálogo con Nicaragua, y confía que se pueda lograr un entendimiento que permita realizar las mediciones conjuntas en las zonas propuestas en el Informe N° 77. En este contexto, Costa Rica agradece el acompañamiento de la Secretaría General de Ramsar, si fuera ésta su decisión.

Le ruego aceptar, señor Secretario General, las muestras de mi mayor consideración.


Manuel A. González Sanz
Ministro



**Honorable Señor
Christopher Briggs
Secretario General
Convención Ramsar sobre los Humedales
Gland, Suiza**

C.c.: S. E. Philippe Couvreur, Secretario, Corte Internacional de Justicia
S.E. Samuel Santos, Ministro de Relaciones Exteriores, República de Nicaragua

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

21 October 2014
DM-AM-0639-14

Excellency:

I refer to Report number 79 of the Ramsar Secretariat, which was communicated to your country by the International Court of Justice in or about 22 August 2014.

One of the recommendations in the report is to conduct measurements of the waters of the San Juan River, in order to establish their volume and their impact on the Caribbean Northeast Wetland.

Costa Rica proposes that this recommendation is complied with in three places: the first in the San Juan River, 500 meters upriver before the bifurcation with the Colorado River; the second on the Colorado River, 500 meters downstream from said bifurcation; and the third in the lower San Juan, 500 meters downstream from the same bifurcation.

We propose that these measurements are taken jointly by Costa Rica and Nicaragua, during the months of November and December 2014, and the month of January 2015. These measurements will help to estimate the San Juan River's flow of waters, and will also help to draw the conclusions suggested by the Ramsar Secretariat.

If your Government is in agreement, Costa Rica proposes a technical meeting in San José on 30 October 2014, so that the technical teams from both countries can reach an agreement about sharing of resources, the frequency, the specific dates and times in which the measurements in the three proposed sites can take place.

Please accept the assurances of my consideration.

Manuel González Sanz

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

21 de octubre de 2014
DM-AM- 0639-14

Excelentísimo señor:

Hago referencia al reporte número 79 de la Secretaría de Ramsar, que fuera comunicado a su país por la Corte Internacional de Justicia en o alrededor del 22 de Agosto de 2014.

Una de las recomendaciones del reporte es la realización de mediciones de las aguas del Río San Juan, con el objeto de establecer su volumen y su impacto en el Humedal Caribe Noreste.

Costa Rica propone que esta recomendación se realice en tres lugares: el primero en el Río San Juan, 500 metros río arriba antes de la bifurcación con el Río Colorado; el segundo en el Río Colorado, 500 metros río debajo de dicha bifurcación; y el tercero en el bajo San Juan, 500 metros río abajo de esa bifurcación.

Proponemos que estas mediciones se tomen conjuntamente por Costa Rica y Nicaragua, durante los meses de Noviembre y Diciembre de 2014, y el mes de Enero de 2015. Estas mediciones contribuirán a estimar el flujo de aguas del Río San Juan, y también ayudará a extraer las conclusiones que sugiere la Secretaría de Ramsar.

Si su Gobierno estuviera de acuerdo, Costa Rica propone una reunión técnica en San José, el día 30 de octubre de 2014, de forma tal que los equipos técnicos de ambos países alcancen un acuerdo sobre compartir recursos, la frecuencia y las fechas y tiempos específicos en que las mediciones en los tres sitios propuestos pueden tomar lugar.

Le ruego aceptar las muestras de mi consideración.


Manuel A. González Sanz
Ministro

Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Recb.
Ma. Tatiana Obando
22/10/14
11:55 am.

THE MINISTER OF FOREIGN AFFAIRS

Managua, 27 October 2014
MRE/DM-AJ/439/10/14

Your Excellency:

I refer to your letter of 21 October (DM-AM-0639-14) in which you propose the measurement of the waters of the San Juan de Nicaragua River to establish its volume and impact in the wetland located in Harbour Head, according to the recommendations made by Ramsar in its 77 Report.

Regarding this matter, I reiterate to your Government the good disposition of Nicaragua to hold a technical meeting where details of such activities may be dealt with.

In this regard, and without prejudice of the matters dealt with in the said meeting, I inform you about some General and Preliminary Observations from Nicaragua.

The technical team of Nicaragua considers that such measurements must be taken in the pertinent areas, meaning from the vicinity of the eastern Caño and the wetland near it and that it would be enough to take them in the lower San Juan.

They also call upon attention to the importance of using adequate methodology for the aforementioned objectives and hope they can discuss such details during the Technical meeting.

Finally, and regarding the celebration of the meeting, I inform you that in principle Nicaragua has some inconveniences to attend the meeting in the dates proposed by Costa Rica, so we would propose that the meeting be carried out during the week of 3 November in San Juan de Nicaragua, the place that seems more appropriate for such purposes.

Accept Excellency the assurances of my highest consideration,

Samuel Santos López

His Excellency
Manuel González Sanz
Minister of Foreign Affairs and Worship
Republic of Costa Rica

El Ministro de Relaciones Exteriores

Managua, 27 de octubre de 2014

MRE/DM-AJ/439/10/14

Excelentísimo Señor:

Me refiero a su Nota del 21 de Octubre (DM-AM-0639-14) en la que propone la realización de mediciones de las aguas del Río San Juan de Nicaragua con el objeto de establecer su volumen e impacto en el humedal ubicado en Harbour Head, según lo recomendado por RAMSAR en su informe 77.

Al respecto, tengo a bien reiterar a su Gobierno sobre la buena disposición de Nicaragua para celebrar una Reunión Técnica donde se puedan abordar todos los detalles de tales actividades.

En ese sentido, y sin perjuicio de lo que se vaya a abordar durante dicha Reunión, le informo sobre algunas de las Observaciones Generales y Preliminares de Nicaragua.

Los Técnicos nicaragüenses consideran que tales mediciones deben tener lugar en las Zonas pertinentes, es decir aledañas, al Caño Este y al humedal inmediato al caño y que bastaría con realizarlas en el área del bajo Río San Juan.

También llaman la atención a la importancia de utilizar una metodología adecuada para los fines descritos y esperan poder discutir estos detalles durante la Reunión Técnica.

Dicho lo anterior, y en relación a la celebración de la Reunión, le informo que en principio, Nicaragua enfrenta algunas inconveniencias para asistir a la Reunión en la fecha propuesta por Costa Rica, por lo que ponemos a su consideración que la misma se efectúe durante la semana que inicia el 3 de Noviembre y ofrece recibir al Equipo de Costa Rica en San Juan de Nicaragua, lugar que también considera más pertinente para tales fines.

Acepte Excelencia las muestras de mi más alta consideración

Samuel Santos López



Excelentísimo Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica

THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

San José, 28 October 2014
DM-AM-0672-14

Excellency:

I am pleased to greet you on occasion to refer to your note MRE/DM/AJ/439/10/14 dated 27 October of the present month, related to the recommendations made by the Secretariat of the Ramsar Convention, contained in its Report RAM No. 77.

At the same time that I thank you for your kind response, I reiterate that the joint measurements of the San Juan River flow that Costa Rica proposed have the object of complying with the requirements of the Ramsar Convention Secretariat. For this reason, while in principle Costa Rica does not perceive any difficulty in additionally performing flow measurements in the area of the eastern caño, as your Excellency proposes, it is necessary at a first instance to measure the flow of the San Juan River before and after the Colorado River Delta. For that purpose, Costa Rica maintains the proposal that measurements on the three proposed places be made: in the San Juan River, 500 meters before the bifurcation with the Colorado River, 500 meters downstream after the bifurcation, and in the Colorado River, 500 meters downstream the said bifurcation.

In regard to the place of the technical meeting, although we thank Nicaragua for offering to hold the meeting in San Juan del Norte, we consider that a location with better access and meeting facilities would be more convenient, so Costa Rica maintains its proposal that the meeting be held in San José or in the city of Liberia. To that end, we propose Thursday 6 November. To start the needed preparations, we would much appreciate to be informed, as soon as possible, about Nicaragua's disposition to hold the meeting, and the composition of the Nicaraguan delegation.

Please accept the assurances of my consideration.

Alejandro Solano Ortíz
Acting Minister

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

San José, 28 de octubre de 2014
DM-AM-0672-14

Excelentísimo señor:


Me es grato saludarle con ocasión de referirme a su nota MRE/DM/AJ/439/10/14 de 27 de octubre del corriente, en relación con las recomendaciones hechas por la Secretaría de la Convención de Ramsar mediante su Informe RAM número 77.

A la vez que agradezco su amable respuesta, le reitero que las mediciones conjuntas al caudal del río San Juan que Costa Rica propuso tienen el fin de cumplir con lo solicitado por la Secretaría de la Convención Ramsar. Es por ello que si bien en principio Costa Rica no tiene inconveniente en que de manera adicional también se hagan mediciones de caudal en la zona del caño este, como Su Excelencia lo propone, es necesario que en primera instancia se mida el caudal del río San Juan antes y después del Delta del río Colorado. Para ello, Costa Rica mantiene la propuesta de que se hagan mediciones en los tres lugares propuestos: en el río San Juan, 500 metros antes de la bifurcación con el río Colorado y 500 metros abajo luego de la bifurcación, y en el río Colorado, 500 metros río debajo de dicha bifurcación.

En cuanto al lugar de la reunión técnica, si bien se agradece el ofrecimiento de Nicaragua de que la misma se realice en San Juan del Norte, estimamos que es más conveniente una ubicación con mayores facilidades en cuanto a acceso y reunión, por lo que Costa Rica mantiene su propuesta de que sea en San José, o bien en la ciudad de Liberia. Para este fin, proponemos el día jueves 6 de noviembre. A efectos de iniciar los preparativos para la reunión, mucho apreciaremos se nos informe a la brevedad la disposición de Nicaragua de sostener la reunión, así como la integración de la delegación nicaragüense.

Le ruego aceptar las muestras de mi consideración.


Alejandro Solano Ortiz
Ministro a.i.



Excelentísimo señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

Recb.
M. Santos López
11:00 am
29/10/14

THE MINISTER OF FOREIGN AFFAIRS

Managua, 3 November 2014
MRE/DM-AJ/449/11/14

Honorable Mr. Secretary:

I refer to the Final Report of Ramsar Mission No. 77 on the Caribe Noreste Wetland of International Importance, Costa Rica, dated August 2014, mission that was carried out from 10 to 13 March of that same year, in accordance with the provisions of the Orders of the International Court of Justice on Provisional measures of 8 March 2011 and 22 November 2013.

Nicaragua and Costa Rica have agreed on holding a technical meeting on 6 November 2014, in order to deal with all details concerning the activities derived from said report 77. I am attaching a copy of the letter sent to Costa Rica.

To this end, the Government of National Reconciliation and Unity of the Republic of Nicaragua, considering that the conclusions and recommendations of said report establish certain activities to be carried out in Nicaraguan territory, considers that it is important for the Ramsar Secretariat to take an active part in this process, accompanying us during its implementation.

Nicaragua is honoured to extend this invitation to the Ramsar Secretariat to actively participate in these activities.

I avail myself of this opportunity to reiterate the assurances of my consideration.

Samuel Santos López

Honourable Mr.
Christopher Briggs
Secretary General
Ramsar Convention

El Ministro de Relaciones Exteriores

Managua, 3 de noviembre de 2014

MRE/DM-AJ/449/11/14

Honorable Señor Secretario:

Me refiero al Informe Final de la Misión Ramsar de Asesoramiento No. 77 en el Humedal de Importancia Internacional Caribe Noreste, Costa Rica del mes de agosto de 2014, misión realizada del 10 al 13 de Marzo del mismo año, en atención a las Ordenanzas de la Corte Internacional de Justicia del 8 de marzo de 2011 y 22 de noviembre de 2013.

Nicaragua y Costa Rica, coincidimos en celebrar una reunión técnica el día 6 de noviembre del 2014, a fin de abordar todos los detalles de las actividades que se derivan del informe 77. Adjunto copia de la carta que se envió a Costa Rica.

Al respecto, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, considerando que las recomendaciones y conclusiones de dicho informe establecen ciertas actividades que se deben realizar en territorio Nicaragüense, valora altamente la importancia de que durante la realización de las mismas, la Secretaría de la Convención RAMSAR, participe activamente en el proceso, acompañándonos durante su implementación.

Nicaragua se complace en formalizar la invitación a la Secretaría de la Convención Ramsar para que participe acompañándonos en dichas actividades.

Aprovecho la oportunidad Señor Secretario General para reiterar las muestras de mi consideración.

Samuel Santos López



Honorable Señor
Christopher Briggs
Secretario General
Convención RAMSAR
Su Despacho

THE MINISTER OF FOREIGN AFFAIRS

Managua, 3 November 2014
MRE/DM-AJ/448/11/14

Dear Minister,

I write to you following receipt of your Note DM-AM-0672-14 of 28 October of this year, concerning the recommendations set out by the Secretariat of the Ramsar Convention in its Report number 77.

In this respect, I must reiterate to your Government what I have said on a number of occasions concerning the willingness of the Republic of Nicaragua to hold a Technical Meeting in order to address all the details of such activities.

In view of the importance of what the Court said in its Orders of 8 March 2011 and 22 November 2013 concerning the participation of the Secretariat of the Ramsar Convention, the Government of Reconciliation and National Unity of the Republic of Nicaragua, and in accordance with the Report No. 77 issued by the Secretariat, considers the accompaniment of Ramsar to be necessary in the implementation of the activities set out in the recommendations and conclusions of the said Report, which is the reason why we are sending a copy of this letter and extending a formal invitation to this organisation.

I also take this opportunity to refer to the content of your Notes DM-AM-0639-14 of 21 October 2014 and DM-AM-0672-2014 of 28 October 2014, in which reference is made to certain activities recommended in Report 77 and which according to the said Notes would be carried out on the territory of Nicaragua.

In this respect, the Government of Reconciliation and National Unity of the Republic of Nicaragua refers to the content of the Ramsar Report No. 77, the object of which according to paragraph 2 was “to evaluate the impact of two new caños” including “a visit to the area of the two new caños”, and not a study of the disputed territory. The conclusion of this report can be particularly appreciated in section Number 7 of the same Report, entitled “proposed scenarios and next steps”, in which paragraph 6 states as follows:

“Similarly, it is indispensable to carry out as soon as possible a monitoring programme in the area of the East Caño including the East Lagoon as indicated in communication of 7 May 2014. The said monitoring should comprise as a minimum: obtaining aerial photographs and/or satellite images, on a monthly basis of the entire length of the East Caño between the San Juan River and the beach (East Lagoon).”

Excellency, a reading of this text makes plain that Ramsar was not recommending that activities be undertaken in the way that is suggested in your Notes DM-AM-0639-14 and DM-AM-0672-2014, nevertheless, the abovementioned Ramsar Report clearly establishes in the said text that such monitoring activities should be carried out in the areas adjacent to the East Caño, as we stated in our Note of 27 October 2013,

reference MRE/DM-AJ/439/10/14, which is reiterated by Ramsar in its conclusions of said Report, Section 8, which at points 5 and 6 state in terms:

“Monitoring of the area of the East Caño should be implemented as soon as possible to evaluate its impact in view of the morphological and hydrological variables. It is recommended that measurements are taken of the section of the EC [East Caño] in the dry season, period in which there is less rain.”
[emphasis in original Spanish]

For the above reasons, the Government of Nicaragua does not understand the reasons to emphasise [the taking of] measurements in the San Juan [River] in waters located before and after the Delta, because the recommendation of priority (“as soon as possible”) is [the taking of measurements] “in the area of the east caño”. Certainly, in its Report, Ramsar also states:

“Additionally, it is necessary to implement and maintain an ongoing register of the flow of the Colorado River (waters above and below its bifurcation with the San Juan). The monitoring program and its results should be presented to the Ramsar Secretariat in order for it to follow-up and adjust accordingly”

However this recommendation (i) is not one of priority; and (ii) is to be addressed in [the establishment of] an ongoing register of indefinite duration “of the flow of the Colorado River” and not of the waters of the San Juan; (iii) if it concerns [carrying out] ongoing measurements of the San Juan [River] (Nicaraguan territory) then Ramsar would have had to consult with Nicaragua, as its wetlands would also be at issue, and it would have had to request this data from Nicaragua; (iv) the experts consulted by Nicaragua do not understand the relevance of measuring the flow of the Colorado, and moreover if it means doing so on Nicaraguan territory, like a study necessary to analyse the situation in the East Caño, located more than 30 kilometres away and where no waters from the Colorado flow.

Finally, I am pleased to inform you that the Government of Nicaragua accepts the date that you proposed of 6 November 2014, so that the activities to establish the corresponding methodology to that which is set out in the Secretariat of Ramsar’s Report number 77 can be accomplished in the city of Managua, which provides the conditions and facilities for this to be achieved.

Accept, Excellency, the assurances of my highest consideration.

Samuel Santos López

His Excellency
Manuel González Sanz
Minister of Foreign Affairs and Worship
Republic of Costa Rica

El Ministro de Relaciones Exteriores

Managua, 3 de noviembre de 2014

MRE/DM-AJ/448/11/14

Señor Ministro:

Me dirijo a usted en ocasión de acusar recibo de su Nota DM-AM-0672-14 de fecha 28 de octubre del año en curso, relativa a las recomendaciones formuladas por la Secretaría de la Convención de RAMSAR en su Informe número 77.

Al respecto, tengo a bien reiterar a su Gobierno lo manifestado en diversas oportunidades sobre la disposición de la República de Nicaragua de celebrar una Reunión Técnica a fin de abordar todos los detalles de tales actividades.

Vista la importancia que dio la Corte en sus Ordenanzas del 8 de marzo de 2011 y 22 de noviembre de 2013 a la participación de la Secretaría de la Convención RAMSAR, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, y en consonancia con el informe No. 77 emitido por esa Secretaría estima necesario el acompañamiento de RAMSAR, en la implementación de las actividades señaladas en las recomendaciones y conclusiones de dicho Informe, razón por la cual, estamos enviando copia de esta carta, y girando una invitación formal a ese organismo.

Me permito así mismo, hacer referencia al contenido de sus notas DM-AM-0639-14 de fecha 21 de octubre de 2014 y DM-AM-0672-2014 de fecha 28 de octubre de 2014, en las cuales hace referencia a ciertas actividades recomendadas en el Informe 77 y que según dichas notas se ejecutarían en el territorio de Nicaragua.

Excelentísimo Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica



El Ministro de Relaciones Exteriores

Página No. 2

3/11/14

A este respecto, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua se refiere al contenido del informe RAMSAR No. 77 cuyo objetivo según el párrafo 2 era "evaluar el impacto de dos nuevos caños" que incluyó una "visita al área de los dos nuevos caños" y no es un estudio sobre el territorio en disputa. Las conclusiones de ese informe, se pueden apreciar particularmente en el apartado Número 7 del mismo denominado "Escenarios propuestos y pasos a seguir", el cual en su párrafo sexto a la letra dice:

"Igualmente, es indispensable iniciar a la brevedad posible un programa de monitoreo en el área del Caño Este incluyendo la Laguna Este como se indica en la comunicación del 7 de mayo de 2014. Dicho monitoreo debe contener como mínimo: la obtención de fotografías aéreas y/o imágenes satelitales, con frecuencia mensual en toda la extensión del Caño Este, entre el río San Juan y la playa (Laguna Este)."

Excelencia, de la lectura de dicho texto resulta claro que RAMSAR no recomienda realizar actividad alguna en la forma en que se manifiesta en sus notas DM-AM-0639-14 2014 y DM-AM-0672-2014, empero, el Informe RAMSAR antes citado más bien establece en dicho texto que tales actividades de monitoreo deben realizarse en las zonas aledañas del Caño Este, tal y como lo manifestamos en nuestra nota del 27 de octubre del 2013, referencia MRE/ DM-AJ/439/10/14, lo cual es reiterado por RAMSAR en las conclusiones de dicho informe, Apartado 8, que en los puntos 5 y 6 literalmente dice:

"Se debe implementar a la brevedad posible un monitoreo en el área del Caño Este para evaluar su comportamiento considerando variables morfológicas e hidrológicas. Se recomienda realizar mediciones de la sección del CE en tiempo de estiaje, época en donde las precipitaciones son menores".

Por lo anteriormente dicho, el Gobierno de Nicaragua no comprende las razones para enfatizar mediciones en el San Juan en aguas situadas antes y después del Delta, ya que la recomendación prioritaria ("a la brevedad posible") es "en el área del caño este". Ciertamente en su informe Ramsar también dice:



El Ministro de Relaciones Exteriores

Página No.3
03-11-4

"Adicionalmente, es necesario implementar y mantener un registro continuo de caudales del río Colorado (aguas arriba y debajo de su bifurcación con el río San Juan). El plan de monitoreo y los resultados del mismo deben presentarse a la Secretaría de Ramsar para poder realizar el seguimiento y ajuste respectivo."

Pero esta recomendación (i) no es dada como prioritaria; (ii) se trata de un registro continuo de duración indefinida "de caudales del Río Colorado" y no de las aguas del San Juan; (iii) si se tratase de mediciones continuas en el San Juan (territorio Nicaragüense) es de suponer que Ramsar habría consultado con Nicaragua, de cuyos humedales también se trata, y habría pedido esos datos a Nicaragua; (iv) los especialistas consultados por Nicaragua no entienden la relevancia de medir los caudales del Colorado, y más si esto implica hacerlo en territorio nicaragüense, como un estudio necesario para analizar la situación en el caño Este, situado a más de 30 kilómetros de distancia y por donde no fluyen las aguas del Colorado.

Finalmente, me complace en comunicarle que el Gobierno de Nicaragua acepta la fecha por usted propuesta para el día 6 de noviembre de 2014, con el fin de que las actividades para establecer la metodología correspondiente a lo establecido en el informe número 77 de la Secretaría de RAMSAR se pueda realizar en la ciudad de Managua, la cual presta las condiciones y facilidades para la celebración de la misma.

Acepte Excelencia las muestras de mi más alta consideración.

Samuel Santos López



THE MINISTER OF FOREIGN AFFAIRS AND WORSHIP

5 November 2014
DM-AM-0697-14

Your Excellency,

I write in reference to your letter MRE/DM-AJ/448/11/14, dated 3 November 2014, delivered to Costa Rica last night, in reference to joint measurements of the San Juan and Colorado Rivers. As explained in our letter of 21 October 2014, Costa Rica's proposal concerning joint measurements of the waters of the San Juan was made following a recommendation made by Ramsar in their Report number 77.

As you have noted in your note of 3 November, Ramsar made further recommendations in that Report relating to the monitoring of the eastern caño and relating to further remediation works which may also be required in respect of that caño. As you are well aware, the eastern caño is in the disputed territory. The Court's provisional measures orders of March 2011 and November 2013 authorize only Costa Rican personnel charged with protection of the environment to access the disputed territory and to undertake activities there to prevent irreparable prejudice to the environment. Costa Rica has kept the Court and Nicaragua well informed of its activities in the disputed territory and will continue to do so. Any monitoring of the waters in the eastern caño or any other part of the disputed territory will be performed by Costa Rica in consultation with the Ramsar Secretariat, and notifying Nicaragua when required, in accordance with the Court's provisional measures orders.

Regarding the joint measurement of the San Juan and Colorado rivers that my country has proposed, Sir, we do not understand why your country resists the idea of having these measurements carried out in the sites proposed by Costa Rica, in accordance with the recommendation of the Ramsar Secretariat. Costa Rica has accepted your proposal to carry out joint measurements in the lower San Juan, in the vicinity area of the caños (although not in the disputed territory, as this would be in breach of the Court's orders), but by the same measure there seems to be no reason why Nicaragua resists to perform measurements in those sites, in accordance with Ramsar's recommendation.

Costa Rica has kindly invited Nicaragua to come to Costa Rica for a technical meeting to this end. By the terms of your note, I understand that your country declines this invitation. If your Excellency confirms Nicaragua's willingness to accept flow measurements in the sites proposed by Costa Rica, based on the Ramsar recommendation, and in light of the importance of finding

common solutions, my country maintains its invitation to hold the meeting in city of San José. Alternatively, it could be done in the Costa Rican border facilities at Peñas Blancas.

Costa Rica reiterates that the subject matter of the meeting will only be the flow measurements of the San Juan and Colorado Rivers, and that the meeting is called for to allow the technical teams of both countries to agree on a timetable and on the sharing of resources to carry out this task. Costa Rica further proposes that the meeting be re-scheduled for Wednesday 12 November. My country would appreciate to receive Nicaragua's answer confirming your participation in this meeting as soon as possible.

Accept Excellency the assurances of my consideration.

Manuel A. González Sanz
Minister

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

5 de noviembre de 2014
DM-AM-0697-14

Excelentísimo señor:

Me dirijo a usted con ocasión de hacer referencia a su nota MRE/DM-AJ/448/11/14, de fecha 3 de noviembre de 2014, que fue entregada a Costa Rica ese mismo día en horas de la noche, sobre las mediciones conjuntas de los ríos San Juan y Colorado.

Como se explica en nuestra carta del 21 de octubre de 2014, la propuesta de Costa Rica concerniente a las mediciones de las aguas del río San Juan, fue hecha a raíz de una recomendación del Reporte número 77 de Ramsar.

Como usted ha señalado en su nota de 3 de noviembre, Ramsar hizo otras recomendaciones en ese informe, con relación a la supervisión del caño este y relativas a los trabajos de remediación adicionales, que podrían ser necesarios con respecto al mismo caño. Como usted bien sabe, el caño este se encuentra en el territorio en disputa. Las providencias de la Corte sobre medidas provisionales de marzo de 2011 y de noviembre de 2013, autorizan solamente al personal costarricense encargado de la protección ambiental a tener acceso a dicho territorio, para realizar las acciones necesarias tendientes a evitar un perjuicio irreparable al ambiente. Costa Rica ha mantenido informadas, tanto a la Corte como a Nicaragua, sobre las acciones en el territorio en disputa, y continuará haciéndolo. El monitoreo de las aguas en el caño este o de cualquier otra parte del territorio en disputa, será realizado por Costa Rica en consulta con la Secretaría de Ramsar, y cuando corresponda, notificando a Nicaragua de cualquier ingreso, conforme con las providencias de medidas provisionales ordenadas por la Corte.

Con respecto a la medición conjunta de los ríos San Juan y Colorado que mi país ha propuesto, no comprendemos, señor Ministro, por qué su país se resiste a que se realicen dichas mediciones en los sitios propuestos por Costa

Recibido
La Patria del Sur
5/11/14 3:00 pm

Rica, en concordancia con las recomendaciones de la Secretaría de Ramsar. Costa Rica ha aceptado su propuesta de realizar las mediciones en el bajo San Juan y en el área próxima a los caños (aunque no dentro del territorio en disputa, ya que hacerlo sería contrario a las medidas provisionales dictadas por la Corte); de la misma manera, no hay razón por la cual Nicaragua se resista a que estas mediciones se realicen en los sitios propuestos, en acatamiento a la recomendación hecha por la Secretaría de Ramsar.

Costa Rica ha invitado cordialmente a Nicaragua a asistir a una reunión técnica para estos efectos. Sin embargo, por los términos de su nota, entiendo que su país rechaza esta invitación. No obstante, si su Excelencia confirma la voluntad de Nicaragua para aceptar las mediciones de caudal en los lugares propuestos por Costa Rica con base en la recomendación de Ramsar, y a la luz de la importancia de encontrar soluciones comunes, mi país mantiene su invitación a celebrar la reunión en la ciudad de San José. Alternativamente, podría realizarse en las instalaciones fronterizas costarricenses en Peñas Blancas.

Costa Rica reitera que la reunión solamente versará sobre las mediciones de caudal de los ríos San Juan y Colorado y que, la reunión se convoca solo para permitir que los equipos técnicos de ambos países se pongan de acuerdo sobre un cronograma y con la intención de compartir recursos que permitan realizar esta tarea. Costa Rica propone, además, que la reunión sea reprogramada para el día miércoles 12 de noviembre. Mi país agradecería recibir la respuesta de Nicaragua confirmando su participación en esta reunión prontamente.

Le reitero las seguridades de mi consideración.




 Manuel A. González Sanz
Ministro

Excelentísimo señor
 Samuel Santos López
 Ministro de Relaciones Exteriores
 República de Nicaragua

ANNEX 49

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference MRE/DM/DGAJST/456/11/14

11 November 2014

English Translation and Spanish Original

The Minister of Foreign Affairs

Managua, 11 November 2014

MRE/DM/DGAJST/456/11/14

Your Excellency:

I refer to your note of 7 November 2014 (DM-AM-0707-14), in which you propose a visit to the area of the *caños* subject to the Provisional Measures of the International Court of Justice of 22 November 2013 in the case “Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)”, with the sole purpose of “*performing an inspection of the current conditions.*”

In regard to your assertion of the “Costa Rican right of navigation on San Juan River...,” the Government of Reconciliation and National Unity of the Republic of Nicaragua once again reiterates to the illustrious Government of Costa Rica that the International Court of Justice, in its judgment of 13 July 2009 in the case "Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)", limits Costa Rica’s navigation rights solely and exclusively to navigation “for purposes of commerce.”

In the spirit of good neighbourliness I hereby inform you that, as communicated in our note MRE/DM-AJ/414/09/14 Nicaragua would be willing, on this occasion, to allow the entrance of Costa Rican government personnel to perform mitigation works in the area of the *caños*, in conformity with the aforementioned note. Furthermore, we call to mind that the pertinent measures are included in RAMSAR report No. 77; consequently, what would correspond is performing the works indicated in said report 77, which does not contemplate “*performing an inspection of the current conditions*” as proposed by you.

The Government of Nicaragua reiterates the importance of holding a prior meeting to finalise the details related to your request.

I take this opportunity, Honourable Minister, to reiterate the assurances of my highest consideration.

Samuel Santos López

His Excellency
Manuel A. González Sanz
Minister of Foreign Affairs and Worship
Republic of Costa Rica

El Ministro de Relaciones Exteriores

Managua, 11 de noviembre del 2014
MRE/DM/DGAJST/456/11/14

Excelentísimo Señor:

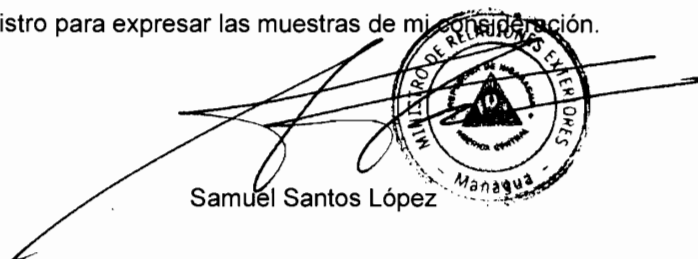
Me refiero a su nota del 07 de Noviembre de 2014 (DM-AM-0707-14) en la cual propone la realización de una visita a la zona de los caños objeto de las Medidas Provisionales de la Corte Internacional de Justicia del 22 de Noviembre de 2013 en el caso de "*Certain Activities carried out by Nicaragua in the Border Area (Costa Rica v. Nicaragua)*", con el único propósito de hacer un "*reconocimiento de las condiciones actuales*".

Por lo que hace a su afirmación sobre "el derecho costarricense de navegación en el Río San Juan..." El Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, reitera una vez más al ilustre Gobierno de Costa Rica que la Corte Internacional de Justicia en su sentencia del 13 de Julio 2009 sobre el caso "Dispute regarding Navigational and Related Rights (Costa Rica v. Nicaragua)", limita el derecho de navegación de Costa Rica única y exclusivamente a la navegación "con fines de comercio".

En el espíritu de buena vecindad entre ambos países, tengo a bien informarle, que tal y como les fue comunicado en nuestra nota MRE/DM-AJ/414/09/14 Nicaragua estaría dispuesta por esta vez, a permitir la entrada de funcionarios costarricenses para realizar las obras de mitigación en la zona de los caños, conforme lo dispuesto en nuestra nota antes mencionada, así mismo se recuerda que las medidas pertinentes constan en el informe RAMSAR Número 77 y en consecuencia, lo que correspondería es realizar las obras conforme lo establecido en dicho informe 77 en el que no se contempla el "*reconocimiento de las condiciones actuales*" por usted planteado.

El Gobierno de Nicaragua reitera la importancia de que se sostenga una reunión previa para ultimar los detalles relacionados con su solicitud.

Aprovecho Señor Ministro para expresar las muestras de mi consideración.



Excelentísimo Señor
Manuel A. González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica.

ANNEX 50

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-718-14

14 November 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

14 November 2014
DM-AM-0718-14

Excellency,

I refer to your note MRE-DM-DGAJST-456-11-14, dated 11 November 2014, in response to my note DM-AM-0707-14 of 7 November 2014.

I must point out that this note was notified to Costa Rica on 12 November, on the same date of the planned navigation of Costa Rican environmental protection personnel, as indicated in my note DM-AM-0707-14 of 7 November and, in fact, after said navigation had already been prevented by the military and immigration personnel in the Nicaraguan post at El Delta.

As documented in the minute that records the details of the events of 12 November, Nicaragua's personnel had prior knowledge that this navigation was planned to take place, but argued that it "was not allowed by the International Court of Justice", in spite that the Costa Rican personnel showed copies of diplomatic notes MRE/DM-AJ/ 414/09/14 of 19 September 2014 and DM-AM-0574-14 of 22 September 2014, through which both countries had agreed to the procedure by which this navigation would take place. This therefore suggests a decision of Nicaragua to impede Costa Rica's navigation related to the works for the closing of the "east caño", something which your note MRE-DM-DGAJST-456-11-14 seems to confirm, in spite of the agreement reached by both countries to prevent situations like this one.

Your note MRE-DM-DGAJST-456-11-14 attempts to justify Nicaragua's obstruction to the Costa Rican mission of 12 November by suggesting that, since the purpose of the visit was to "assess the current conditions in the area", it falls outside of the scope of the actions included in Ramsar's Report N° 77. This excuse, Excellency, is not acceptable. Works to close the new caño constructed by your Government in the northern sector of Isla Portillos are complex, and it is only natural that visits to the area for planning purposes are required, particularly in the context of an exceedingly increased volume of rain in the region and level of the waters of the San Juan River, which greatly alter the topography of the region. Costa Rica complied in good faith with the agreed procedure, notifying Nicaragua in advance with more than the agreed 48 hours, and specifying the names and identification of its personnel, as well as of the vessel. Under these circumstances, there is no excuse for Nicaragua to have prevented Costa Rica's navigation. We would like to believe that such obstruction does not respond to a deliberate attempt by your Government to impede the closing of the caño, or access of Costa Rica personnel to the area where actions associated with the dredging program are affecting the Costa Rican territory of Isla Calero, actions to which I refer in a separate note.

We regret having to interpret the aforementioned actions, as well as your note MRE-DM-DGAJST-456-11-14, as a flagrant breach of its navigational rights in accordance with the Cañas-Jerez Treaty, and also of the mechanism agreed between the parties to facilitate the implementation of the Order of Provisional Measures issued by the International Court of Justice on 22 November 2013, as well as of the recommendations made by the Secretariat of the Ramsar Convention in its Report N° 77. We request that Nicaragua refrains from impeding any future navigation of Costa Rican personnel in connection with the closure of the caño.

Accept, Sir, the assurances of my highest consideration.

Manuel A. González Sanz
Minister

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

14 de noviembre 2014

DM-AM-0718-14

Excelencia,

Me refiero a su nota MRE-DM-DGAJST-456-11-14, de fecha 11 de noviembre de 2014, en respuesta a mi nota DM-AM-0707-14 del 7 de noviembre de 2014.

Debo señalar que su nota fue entregada a Costa Rica el 12 de noviembre, en la misma fecha prevista para la navegación del personal de protección ambiental de Costa Rica, como se indicó en mi nota DM-AM-0707-14 de 7 de noviembre y, de hecho, posteriormente a que dicha navegación ya había sido impedida por el personal militar y de inmigración en el puesto El Delta en Nicaragua.

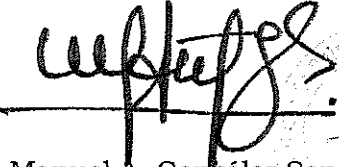
Tal como se documenta en la minuta que registra los detalles de los acontecimientos del 12 de noviembre, el personal nicaragüense tenía conocimiento de que esta navegación se daría, pero argumentó que "no había sido aprobada por la Corte" a pesar de que el personal costarricense mostró copias de las notas diplomáticas MRE/DM-AJ/414/09/14 de 19 de septiembre de 2014 y DM-AM-0574-14 de 22 de septiembre de 2014, a través de las cuales ambos países habían acordado el procedimiento para esta navegación. Esto sugiere una decisión de Nicaragua de obstruir la navegación de Costa Rica en relación con las obras para el cierre del "caño este", algo que su nota MRE-DM-DGAJST- 456-11-14 parece confirmar, a pesar del mecanismo que había sido acordado por ambos países para evitar situaciones como esta.

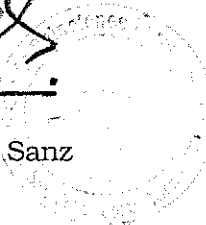
Su nota MRE-DM-DGAJST-456-11-14 intenta justificar la obstrucción de Nicaragua a la misión costarricense del 12 de noviembre al sugerir que, dado que el propósito de la visita era "el reconocimiento de las condiciones actuales" de la zona, la misma se encuentra fuera del alcance de las acciones incluidas en el informe de Ramsar N ° 77. Esta excusa, Excelencia, no es aceptable. Los trabajos para cerrar el nuevo caño construido por su Gobierno en el sector norte de Isla Portillos son complejos, por lo que es natural que se requieran visitas a la zona con fines de planificación, particularmente en el contexto de un aumento significativo en el volumen de precipitación en la región y en el nivel de las aguas del río San Juan, que alteran en gran medida la topografía de la región. Costa Rica cumplió de buena fe con el procedimiento acordado, notificando previamente a Nicaragua con más de las 48 horas

acordadas y la indicación de los nombres e identificación de su personal, así como de la embarcación. Bajo estas circunstancias, no hay excusa para que Nicaragua haya impedido la navegación de Costa Rica. Quisiéramos confiar en que el impedimento ocurrido no responde a acciones deliberadas de su Gobierno para impedir el cierre del caño, o el acceso del personal costarricense a la zona donde las acciones vinculadas con el programa de dragado están afectando el territorio costarricense de Isla Calero, acciones a las que hago referencia en una nota aparte.

Lamentamos tener que interpretar las acciones dichas, al igual que su nota, como una violación flagrante de los derechos de Costa Rica para navegar el río San Juan de conformidad con el Tratado Cañas-Jerez, y también del mecanismo acordado entre las partes para facilitar la aplicación de la Providencia sobre medidas provisionales dictadas por la Corte Internacional de Justicia el 22 de noviembre de 2013, así como de las recomendaciones formuladas por la Secretaría de la Convención de Ramsar en su Informe N ° 77. Solicitamos que Nicaragua se abstenga de impedir cualquier navegación de personal costarricense a futuro en relación con el cierre del caño.

Le ruego acepte el testimonio de mi más alta consideración.


Manuel A. González Sanz
Ministro



Su Excelencia
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

ANNEX 51

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference MRE/DM/677/12/14

2 December 2014

English Translation and Spanish Original

**The Minister of Foreign Affairs
Nicaragua**
Managua, 2 December 2014
MRE/DM/677/12/14

Dear Minister:

I write to you in reference to your Diplomatic Note DM-AM-0774-11-14 of 2 December 2014.

In this regard, the Government of Reconciliation and National Unity of the Republic of Nicaragua, would like to reiterate to the Illustrious Government of Costa Rica, that as agreed by both parties (DM-AM-0639-10-14 of 21 October 2014; MRE/DM/AJ/439/10/14 of 27 October 2014) a Technical Meeting must be held prior to the commencement of the works recommended by the Ramsar Report N° 77 of August 2014.

The Government of Reconciliation and National Unity of the Republic of Nicaragua, reminds the Government of Costa Rica as indicated in the notes mentioned above, that Nicaragua expressly proposed that the holding of the meeting is conducted in the City of Managua, given that the work to be performed requires passing through Nicaraguan Territory, so it is only natural that such Technical Preparatory Meeting takes place in our country.

Additionally our Government further noted the importance of having the Ramsar Secretariat accompanying the implementation of the measures indicated in its Report No. 77 and invites the Government of Costa Rica to work jointly to establish a schedule for the implementation of the measures suggested by RAMSAR in accompaniment by its Secretariat.

Furthermore the Government of Reconciliation and National Unity of the Republic of Nicaragua takes this opportunity to reiterate your Excellency its invitation for the technical preparatory meeting in Managua, between 9 and 11 December 2014.

My Government wishes to state the will expressed in several occasions to support by whatever means necessary the implementation of the measures identified in the RAMSAR Report No. 77, always in compliance with the order on provisional measures of the International Court of Justice of 22 November 2013 and without prejudice of our sovereign rights over the San Juan de Nicaragua River and the territory in dispute, as was established by the International Court of Justice in its Order of 8 March 2011.

Accept Excellency the assurances of my highest consideration,

Samuel Santos López

Mister
Manuel González Sanz
Minister of Foreign Affairs
Republic of Costa Rica

El Ministro de Relaciones Exteriores
Nicaragua

Managua, 2 de diciembre del 2014
MRE/DM/677/12/14

Estimado Señor Ministro:

Me dirijo a Usted en referencia a su Nota Diplomática DM-AM-0774-11-14 de fecha 02 Diciembre, 2014.

Al respecto, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, desea reiterar al ilustrado Gobierno de Costa Rica, que tal y como fuera acordado por ambas partes (DM-AM-0639-10-14 del 21 de Octubre 2014; MRE/DM/AJ/439/10/14 del 27 de Octubre 2014) se debe de celebrar una Reunión Técnica previa al inicio de las obras recomendadas por RAMSAR en su Informe No. 77 de Agosto 2014.

El Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua, recuerda al Gobierno de Costa Rica lo expresado en las Notas antes indicadas, mediante las cuales Nicaragua propuso expresamente que la celebración de dicha Reunión se realizare en la Ciudad de Managua, en vista que los trabajos a realizarse requerían el paso por Territorio nicaragüense, por lo cual resulta natural que tal Reunión Técnica Preparatoria sea efectuada en nuestro País.

Adicionalmente nuestro Gobierno señaló la importancia del acompañamiento de la Secretaria de RAMSAR durante la implementación de las medidas señaladas por la misma Secretaria en el Informe No. 77, e invita al



MRE/DM/677/12/14
Pág. #2

Gobierno de Costa Rica a trabajar en conjunto para programar la implementación de las medidas sugeridas por RAMSAR en acompañamiento con la Secretaria.

Asimismo, el Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua toma la presente oportunidad para reiterar a su Excelencia nuestra invitación para sostener la Reunión Técnica de Preparación en Managua, entre el día 9 y 11 de Diciembre del presente año 2014.

Mi Gobierno desea dejar constancia de la voluntad tantas veces expresada en apoyar en lo que sea necesario para hacer posible la implementación de las medidas indicadas en el Informe de la Secretaria de RAMSAR No. 77, siempre en apego a lo indicado por la Corte Internacional de Justicia en su Ordenanza del día 22 de Noviembre del 2013 y sin perjuicio de nuestros Derechos Soberanos sobre el Río San Juan de Nicaragua y el Territorio en disputa, tal y como fue establecido por la Corte Internacional de Justicia en su Ordenanza del día 08 de Marzo del 2011.

Acepte, Excelencia, las muestras de mi más alta consideración



Samuel Santos López

Señor
Manuel González Sanz
Ministro de Relaciones Exteriores
República de Costa Rica

ANNEX 52

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-774-11-14

2 December 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

1 December 2014
DM-AM-0774-11-14

Your Excellency,

In accordance with the procedure agreed upon by both our countries through diplomatic notes MRE/DM-AJ/414/09/14 of 19 September 2014 and DM-AM-0574-14 of 22 September 2014, in order to comply with the recommendations contained in the report of the Ramsar Advisory Mission 77 and based on the Order of Provisional Measures of the International Court of Justice of 22 November 2013 in the case of Certain Activities carried out by Nicaragua in the Border Area, I wish to inform you that Costa Rica has planned to implement this procedure and travel to the area of the new “caños” through the San Juan River, starting Thursday 4 December 2014. The purpose of this visit and the succeeding ones is to start the works necessary to close the “caño este”.

For this purpose, the following group of Costa Rican environmental protection officials will navigate through the San Juan River between Delta Costa Rica and the area of the new caños:

- 1) Erick Herrera Quesada (Administrator, Barra del Colorado Wildlife Refuge), boat captain. I.D number: 7 0135 0102.
- 2) Eduardo Montero Cascante (Technical control and environmental protection, Barra del Colorado Wildlife Refuge), boat captain. I.D number: 1 0962 0784.
- 3) Jesus Nazareth Granados Araya (Technical control and environmental protection, of Barra del Colorado Wildlife Refuge), boat captain companion. I.D number: 3 0279 0052.
- 4) Miguel Montero Araya (Forest Engineer, Manager, Management of Natural Resources ACTo), Coordinator of the inspection to new caños. I.D number: 1 0896 0804.
- 5) José Joaquín Vargas Mora (Officer of Natural Resources, responsible for the Wildlife Management Program), technical support to the Coordinator of the inspection to the new caños. ID number: 7 1910 093.
- 6) Virgita Molina Sánchez (Legal Advisor ACTo), legal support for the visit to the new caños. ID: 7 0117 0380.

The aforementioned officials, properly identified with their Costa Rican identity documents, will navigate in as many occasions as required taking the materials to start the works related to the closure of "caño este", and will do so in two boats, the first with an outboard engine of 25 horsepower, called "Calero", and the second with a motor of 50 horsepower, called "Resbaladero", both owned by the Tortuguero Conservation Area.

The vessels will stop by and report every day to the authorities of your country at the Nicaraguan border post of "Delta", both when entering and leaving the San Juan River.

As agreed through the exchange of notes done through the International Court of Justice, this notice is without prejudice to the positions of the parties regarding the Costa Rican right of navigation on the San Juan River, in accordance with the Treaty Cañas-Jerez of April 15 1858 and its subsequent arbitral and judicial interpretations.

Costa Rica expects that this time the Government of Nicaragua will not hinder the Costa Rican navigation that will take place in order to comply with the recommendation of the Secretariat of the Ramsar Convention, based on the Order of the International Court of Justice of November 22 2013.

I take this opportunity to reiterate the assurances of my highest consideration

Manuel A. González Sanz
Minister

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

2 de diciembre de 2014
DM-AM-0774-11-14

Excelentísimo señor,

De conformidad con el procedimiento acordado por nuestros dos países, mediante notas diplomáticas MRE/DM-AJ/414/09/14 del 19 de septiembre de 2014 y DM-AM-0574-14 del 22 de septiembre de 2014, para dar cumplimiento a las recomendaciones contenidas en el informe de la Misión Ramsar de Asesoramiento número 77 y, con base en la Providencia de Medidas Provisionales de la Corte Internacional de Justicia del 22 de noviembre de 2013 en el caso *Ciertas Actividades desarrolladas por Nicaragua en la Zona Fronteriza*, informo que Costa Rica ha programado implementar dicho procedimiento y trasladarse a la zona de los nuevos caños a través del Río San Juan, a partir del día viernes 5 de diciembre de 2014. El propósito de este traslado y los subsiguientes es iniciar las labores del cierre del “caño este”.

El siguiente grupo de funcionarios costarricenses de protección ambiental, navegará por el Río San Juan entre el Delta Costa Rica y la zona de los nuevos caños:

- 1) Erick Herrera Quesada (Administrador Refugio de Vida Silvestre Barra del Colorado), capitán de bote. Cédula de identidad: 701350102.
- 2) Eduardo Cascante Montero (Técnico de control y protección ambiental, destacado en el Refugio de Vida Silvestre Barra del Colorado), capitán de bote. Cédula de identidad: 109620784.
- 3) Jesús Nazareth Granados Araya (Técnico de control y protección ambiental, destacado en el Refugio de Vida Silvestre Barra del Colorado), acompañante de capitán de bote. Cédula de identidad: 302790052.
- 4) Miguel Araya Montero (Ingeniero Forestal, Gerente de Manejo de los Recursos Naturales de ACTo), coordinador de la inspección a los caños nuevos. Cédula de identidad: 108960804.
- 5) José Joaquín Vargas Mora (Manejador de Recursos Naturales, encargado del programa de Manejo de Vida Silvestre), apoyo técnico al coordinador de la inspección a los nuevos caños. Cédula de identidad: 701910093.

Recb.
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- 6) Virgita Molina Sánchez (Asesora Legal de ACTo), apoyo legal para ingreso a los caños nuevos. Cédula de identidad: 701170380.

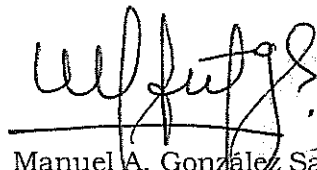
Los funcionarios indicados y debidamente identificados con sus cédulas de identidad costarricense, transportarán en cada ocasión materiales requeridos para iniciar las obras relacionadas con el cierre del “caño este” y, para tales efectos navegarán en dos embarcaciones, la primera con un motor fuera de borda de 25 caballos de fuerza, denominada “Calero”, y la segunda con un motor de 50 caballos de fuerza, denominada “Resbaloso”, ambos propiedad del Área de Conservación Tortuguero.


Las embarcaciones se presentarán y reportarán cada día de su traslado al Puesto Fronterizo Nicaragüense del “Delta” al entrar y al salir del Río San Juan.

Tal como se acordó por el intercambio de notas realizado por medio de la Corte Internacional de Justicia, esta notificación se hace sin perjuicio de las posiciones de las partes en relación con el derecho costarricense de navegación en el río San Juan, de conformidad con el Tratado Cañas-Jerez de 15 de abril de 1858 y sus interpretaciones arbitrales y judiciales subsiguientes.

Costa Rica confía que en esta ocasión el Gobierno de Nicaragua no obstaculizará la navegación costarricense que se hará con el fin de dar cumplimiento a la recomendación de la Secretaría de la Convención de Ramsar, con base en la Providencia de la Corte Internacional de Justicia del 22 de noviembre de 2013.

Aprovecho la oportunidad para reiterar las seguridades de mi consideración.


Manuel A. González Sáenz
Ministro



Excelentísimo Señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

ANNEX 53

Note from the Acting Minister of Foreign Affairs and Worship of Costa
Rica to the Minister of Foreign Affairs of Nicaragua
Reference DM-AM-789

4 December 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

San José, 4 December 2014
DM-AM-789-14

Your Excellency,

I refer to your note MRE/DM/677/12/14, dated 2 December 2014 in response to my note DM-AM-0774-11-14 of December 2, 2014.

We do not share your assessment as to the notes that define the agreement between Costa Rica and Nicaragua to facilitate navigation on the San Juan River, in order to comply with the recommendations contained in the report of the Ramsar Advisory Mission 77 and based on the Order for Provisional Measures of the International Court of Justice of 22 November 2013 in the case "Certain Activities carried out by Nicaragua in the Border Area". Your communication makes reference to notes DM-AM-0639-14 of October 21 (from Costa Rica to Nicaragua) and MRE-DM-AJ-439-10-14 of October 27 (from Nicaragua to Costa Rica), which do not correspond to the topic under discussion.

Actually, this agreement on closing the "caño este" was formalized through diplomatic notes MRE/DM-AJ/414/09/14 of 19 September 2014 (from Nicaragua to Costa Rica) and DM-AM-0574-14 of 22 September 2014 (from Costa Rica to Nicaragua). These notes do not mention a previous technical meeting as a requirement for the Costa Rican navigation on the San Juan River to carry out works related to the closure of "caño este". As to the accompaniment of the Ramsar Secretariat to this process that His Excellency mentioned, I remind you that since the International Court of Justice issued its Order of 22 November 2013, Costa Rica has been coordinating, as required, with the Secretariat all matters relating to these works.

Therefore, we cannot accept the terms of your note. Since Costa Rica has complied with the protocol formally agreed by both countries, the navigation scheduled for Friday 5 December 2014, communicated to Nicaragua in my note DM-AM-0774-11-14 of 2 December, will be maintained. Costa Rica expects Nicaragua to fully comply with that agreement.

Additionally, as to the measurements on the San Juan River, the statement in your communication, in the sense that an agreement was reached by the exchange of the notes you mentioned, is not correct because up to date Nicaragua has not accepted the invitation made by Costa Rica, and has not agreed to carry out flow measurements on the sites in the Colorado and San Juan rivers.

While Costa Rica maintains its proposal for joint measurements in the Colorado and San Juan rivers, it does not seem to make sense to hold a meeting for that purpose until there is agreement between the parties on the measurement sites, because without this basic agreement it will be difficult for a technical meeting to be productive. This detail can be resolved simply by exchange of diplomatic notes. Costa Rica, through its note DM-AM-0672 of 28 October 2014, accepted the measurement sites proposed by Nicaragua. To the extent that Nicaragua accepts the sites proposed by Costa Rica, there

will be the basic conditions necessary to hold a meeting. I therefore invite Your Excellency to demonstrate Nicaragua's good faith in this regard.

Please accept the assurances of my highest consideration.

Alejandro Solano Ortiz
Acting Minister

Your Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

San José, 4 de diciembre 2014

DM-AM-789-14


Su Excelencia,

Me refiero a su nota MRE/DM/677/12/14, de fecha 2 de diciembre de 2014, en respuesta a mi nota DM-AM-0774-11-14 del 2 de diciembre de 2014.

No compartimos su apreciación en cuanto a las notas que conformaron el acuerdo entre Costa Rica y Nicaragua para facilitar la navegación en el Río San Juan, con el fin de dar cumplimiento a las recomendaciones contenidas en el informe de la Misión Ramsar de Asesoramiento número 77 y con base en la Providencia de Medidas Provisionales de la Corte Internacional de Justicia del 22 de noviembre de 2013 en el caso "Ciertas Actividades desarrolladas por Nicaragua en la Zona Fronteriza". Su comunicación cita las notas DM-AM-0639-14 de 21 de octubre (de Costa Rica a Nicaragua) y MRE-DM-AJ-439-10-14 de 27 de octubre (de Nicaragua a Costa Rica), las cuales no corresponden al tema en discusión.

En realidad, este acuerdo sobre el cierre del "caño este" se formalizó mediante notas diplomáticas MRE/DM-AJ/414/09/14 del 19 de septiembre de 2014 (de Nicaragua a Costa Rica) y DM-AM-0574-14 del 22 de septiembre de 2014 (de Costa Rica a Nicaragua). Esas notas no mencionan una reunión técnica previa como requisito para la navegación costarricense en el Río San Juan con el fin de realizar obras relacionadas con el cierre del "caño este". En cuanto al acompañamiento de la Secretaría de Ramsar a este proceso que Su Excelencia menciona, me permito recordarle que desde que la Corte Internacional de Justicia emitió su Providencia del 22 de noviembre de 2013, Costa Rica ha venido coordinado con esa Secretaría todo lo relativo a estas obras, como corresponde.

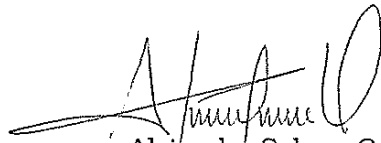
Por lo anterior, no podemos aceptar los términos de su nota. Dado que Costa Rica ha aplicado correctamente el protocolo acordado formalmente por ambos países, la navegación programada para el viernes 5 de diciembre del 2014, comunicada a Nicaragua en mi nota DM-AM-0774-11-14 del 2 de diciembre del corriente, se mantendrá. Costa Rica espera que Nicaragua cumpla a cabalidad ese acuerdo.

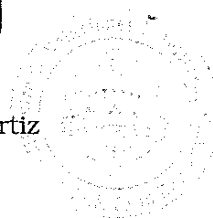
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Adicionalmente, en cuanto a las mediciones en el Río San Juan, me permito indicarle que no es correcta la afirmación incluida en su comunicación, en el sentido de que se haya derivado acuerdo alguno mediante el intercambio de las notas señaladas en ella, por cuanto hasta la fecha Nicaragua no ha aceptado la invitación de Costa Rica, ni ha dicho que está de acuerdo sobre los sitios de medición de caudales en los Ríos Colorado y San Juan.

Si bien Costa Rica mantiene vigente su propuesta de mediciones conjuntas en los Ríos Colorado y San Juan, no parece tener sentido sostener una reunión técnica con ese fin hasta tanto no haya acuerdo entre las partes sobre los sitios de medición, pues sin ese acuerdo básico será difícil que una reunión técnica sea productiva. Este detalle puede ser acordado simplemente mediante intercambio de notas diplomáticas. Ya Costa Rica, mediante su nota DM-AM-0672 de 28 de octubre de 2014, aceptó los sitios de medición propuestos por Nicaragua. En la medida que Nicaragua acepte los sitios propuestos por Costa Rica, existirán las condiciones básicas necesarias para sostener una reunión técnica. Invito por lo tanto a Su Excelencia a demostrar la buena fe de Nicaragua en este sentido.

Le ruego acepte el testimonio de mi más alta consideración.


Alejandro Solano Ortiz
Ministro a.i.



Su Excelencia
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

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ANNEX 54

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference MRE/DM-AJ/478/12/14

5 December 2014

English Translation and Spanish Original

**The Minister of Foreign Affairs
Nicaragua**

Managua, 5 December 2014
MRE/DM-AJ/478/12/14

Excellency,

I refer to your Note of 4 December 2014 (DM-AM-789-14), by which you inform us of the difference of opinion regarding the Agreement between our countries in respect to the implementation of the recommendations contained in the Ramsar Report N° 77.

While it is true that the diplomatic notes of 19 September 2014 (MRE-DM-AJ/414/09/14) and 22 September (DM-AM-0574-14) do not mention a meeting, it was agreed by the officials who held the previous conversations. Under this understanding is that Nicaragua proceeds to send its note of 19 September with the General Procedures for conducting the visit, which was subject and still remains to be subject to a prior meeting because it is necessary to discuss further details.

On 21 October 2014 (DM-AM-0639-14) Costa Rica sends a Note by which it also refers to the recommendations contained in the Ramsar Report 77, and which Nicaragua answers on 3 November 2014 (MRE/DM-AJ/448/11/14). From this exchange it results obvious that both parties differ significantly about the content of said report. Being that the case, in that same note Nicaragua reiterates its willingness to hold a meeting “to address all the details of such activities”. In other words, all activities contained in the Ramsar Report N° 77 that Costa Rica pretends to carry out. From that point on both parties continue in talks on a technical meeting.

As it can be observed, the issue about the need of a technical meeting was raised and agreed upon from the beginning of the informal talks and all notes exchanged make reference to the recommendations contained in the Ramsar Report N°. 77

Given the circumstances, Nicaragua proposes the rescheduling of the Costa Rican expedition for 8 or 9 December and to use the same occasion to hold a Technical Meeting *in situ*, either at the Nicaraguan post at Delta where Costa Rican vessels should report or in a nearby location.

Please accept the assurances of my highest consideration,

Samuel Santos López

His Excellency
Manuel González Sanz
Minister of Foreign Affairs and Worship
Republic of Costa Rica

*El Ministro de Relaciones Exteriores
Nicaragua*

Managua, 5 de Diciembre de 2014
MRE/DM-AJ/478/12/14

Excelencia,

Hago referencia a su Nota del 4 de Diciembre 2014 (DM-AM-789-14), en la que nos informa sobre la diferencia de apreciaciones sobre el Acuerdo entre nuestros Países respecto a la implementación de las Recomendaciones contenidas en el Informe de RAMSAR Número 77.

Si bien es cierto las Notas Diplomáticas intercambiadas el 19 de Septiembre 2014 (MRE/DM-AJ/414/09/14) y 22 de Septiembre 2014 (DM-AM-0574-14) no mencionan una reunión, la misma sí fue acordada por los Personeros que sostuvieron las conversaciones previas. Bajo ese entendido es que Nicaragua procede a enviar Nota del 19 de Septiembre con los Procedimientos Generales necesarios para llevar a cabo dicha visita, que aún estaba y continúa estando sujeta a la Reunión previa ya que se hace necesario conversar sobre otros detalles.

El 21 de Octubre 2014 (DM-AM-0639-14) Costa Rica envía Nota en la que también hace referencia a las Recomendaciones contenidas en el Informe RAMSAR 77, y a la que Nicaragua contesta el 3 de Noviembre 2014 (MRE/DM-AJ/448/11/14). En ese intercambio, queda en total evidencia el hecho que ambas partes difieren significativamente sobre el contenido de dicho Informe. Siendo ese el caso, en esa misma Nota Nicaragua reitera su disposición para celebrar una Reunión "a fin de abordar todos los detalles de tales actividades". En otras palabras, todas las actividades contenidas en el Informe RAMSAR 77 que Costa Rica pretendiera ejecutar. Desde ese punto en adelante, ambas partes continúan en pláticas sobre una Reunión Técnica.



MRE/DM-AJ/478/12/14
Página No. 2

Como podrá observarse, el punto sobre la necesidad de una Reunión fue abordado y acordado desde un inicio en las pláticas previas informales y todas las Notas intercambiadas se refieren a Recomendaciones contenidas en el Informe RAMSAR 77.

Dadas las circunstancias, Nicaragua propone la reprogramación de la expedición costarricense para 8 o 9 de Diciembre y aprovechar esa misma ocasión para sostener una Reunión Técnica in situ, ya sea en la propia estación del Delta -donde han de reportarse las embarcaciones costarricenses o en otro punto cercano.

Le ruego acepte las muestras de mi más alta consideración,



Samuel Santos López

Excelentísimo Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica

ANNEX 55

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-0818-14

12 December 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

12 December 2014

DM-AM-0818-14

Your Excellency,

I am writing with reference to your note MRE/DM-AJ/478/12/14 from 5 December 2014, which was in response to my note DM-AM-0789-14 from 4 December 2014.

Costa Rica reiterates the position expressed in said note, in which we indicated that the agreement reached between our two countries is solely that reflected in the exchange of diplomatic notes MRE/DM-AJ/414/09/14 from 19 September 2014 (from Nicaragua to Costa Rica) and DM-AM-0574-14 from 22 September 2014 (from Costa Rica to Nicaragua). Therefore, my country rejects the interpretation made by Nicaragua of alleged informal agreements and of the recommendations of the RAMSAR Secretariat.

Costa Rica regrets Nicaragua's position, which has significantly delayed and hindered the works for the closing of the "*caño este*", which are essential to prevent irreparable damage, as per the Order of Provisional Measures of 22 November 2013 issued by the International Court of Justice. To the impediment of Costa Rica's navigation by Nicaragua that occurred on 12 November now be must added a more recent one, which took place on 5 December, even though in both cases Costa Rica fully complied with the terms formally agreed by both countries. There is no valid justification that can be invoked to support these denials of entry.

Notwithstanding the foregoing, in order to prevent arguments that Nicaragua may intend to use subsequently to try and justify the hindering of Costa Rican navigation on the river related to the closing of the *caño*, and without detriment to its legal position, Costa Rica communicates to your Illustrious Government that it is willing to hold a meeting, at the facilities of the Nicaraguan Army at the Delta, on 17 December from 9:00 a.m. to 10 a.m. Costa Rica hereby clarifies that this meeting is not part of the protocol agreed between both countries for navigation with purposes of closing the *caño*, and is not related either to the joint measurements at the Colorado and the San Juan rivers, originally proposed by my country. Independently of whether the topics are addressed during the meeting, this does not entail in any manner that the works that Costa Rica must perform shall be carried out as a joint mission.

After 10 a.m., independently of whether the meeting has been held, the Costa Rican delegation will navigate to the site of the "*caño este*", where it will begin the works programmed for that occasion, which consist of an inspection of the current status of the *caño* in the context of the higher volume of flow of the San Juan River.

The list of the government officials that will navigate between the Delta Costa Rica and the area of the new *caños* is as follows:

- 1) Erick Herrera Quesada (Manager of the Barra del Colorado Wildlife Refuge), boat captain. ID: 701350102.

- 2) Miguel Aguilar Badilla (Environmental control and protection technician, posted at the Barra del Colorado Wildlife Refuge), companion of the boat captain. ID: 109180911.
- 3) Miguel Araya Montero (Forestry Engineer, Manager of the ACTo Natural Resources Management), coordinator of the inspection of the new caños. ID: 108960804.
- 4) Olman Mena Valverde (Forestry Engineer, responsible for the Forestry Management program, ACTo), technical support to the coordinator of the inspection of the new *caños*. ID: 110410656.
- 5) Virgita Molina Sánchez (Legal Advisor to ACTo), legal support for entry to the new *caños*. ID: 701170380.

The aforementioned government officials, duly identified with their Costa Rican ID cards, shall navigate on two vessels, the first with a 25 HP outboard motor named “Calero”, and the second with a 50 HP motor named “Resbaloso”, both property of the Área de Conservación Tortuguero.

Please accept the assurances of my highest consideration.

Manuel A. González Sanz
Minister

Your Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

12 de diciembre 2014

DM-AM-0818-14

Excelencia,

Me refiero a su nota MRE/DM-AJ/478/12/14, de fecha 5 de diciembre de 2014, en respuesta a mi nota DM-AM-0789-14 del 4 de diciembre de 2014.

Costa Rica reitera la posición expresada en mi nota, en la que se indica que el acuerdo alcanzado entre nuestros dos países es únicamente el que se reflejó en el intercambio de notas diplomáticas MRE/DM-AJ/414/09/14 del 19 de septiembre de 2014 (de Nicaragua a Costa Rica) y DM-AM-0574-14 del 22 de septiembre de 2014 (de Costa Rica a Nicaragua). Por lo tanto, mi país rechaza la interpretación que ha hecho Nicaragua sobre supuestos acuerdos informales y sobre las recomendaciones de la Secretaría de RAMSAR.

Costa Rica lamenta la posición de Nicaragua, la cual ha atrasado significativamente y dificultado las labores de cierre del “caño este”, indispensables para evitar daños irreparables, según la providencia de Medidas Provisionales del 22 de noviembre de 2013, emitida por la Corte Internacional de Justicia. Al impedimento de navegación del personal costarricense por parte de Nicaragua que tuvo lugar el 12 de noviembre, se suma ahora otro reciente, acaecido el pasado 5 de diciembre, a pesar de que en ambos casos Costa Rica cumplió a cabalidad con los términos acordados formalmente por ambos países. No existe justificación válida que pueda invocarse para sustentar estos impedimentos.

No obstante lo anterior, con el fin de evitar argumentos que luego Nicaragua pretenda usar para tratar de justificar sus obstáculos a la navegación costarricense en el río relacionada con el cierre del caño, y sin perjuicio de su posición jurídica, Costa Rica se permite comunicar a su Ilustrado Gobierno que está dispuesta a efectuar una reunión, en las instalaciones del Ejército nicaragüense en Delta, el día 17 de diciembre de 9:00 a.m. a 10 a.m. Costa Rica deja claro que esta reunión no

Douglas Espinoza, E 45 15/12/14. ud.

constituye parte del protocolo acordado entre ambos países para la navegación con fines de cierre del caño, y que tampoco tiene relación con las mediciones conjuntas en los ríos Colorado y San Juan, originalmente propuesta por mi país. Independientemente de los temas que se aborden durante la reunión, esta no implicará de ninguna manera que los trabajos que Costa Rica debe realizar se efectúen como una misión conjunta.

Luego de las 10 a.m., independientemente de que la reunión se haya llevado a cabo o no, la delegación costarricense efectuará la navegación hasta el sitio del "caño este" donde se iniciarán las labores programadas en esta ocasión, que consisten en un reconocimiento del estado actual del caño en el contexto del caudal crecido del río San Juan.

La lista de los funcionarios que navegarán entre el Delta Costa Rica y la zona de los nuevos caños, es la siguiente:

- 1) Erick Herrera Quesada (Administrador Refugio de Vida Silvestre Barra del Colorado), capitán de bote. Cédula: 701350102.
- 2) Miguel Aguilar Badilla (Técnico de control y protección ambiental, destacado en el Refugio de Vida Silvestre Barra del Colorado), acompañante de capitán de bote. Cédula: 109180911.
- 3) Miguel Araya Montero (Ingeniero Forestal, Gerente de Manejo de los Recursos Naturales de ACTo), coordinador de la inspección a los caños nuevos. Cédula: 108960804.
- 4) Olman Mena Valverde (Ingeniero Forestal, encargado del programa de Manejo Forestal, ACTo), apoyo técnico al coordinador de la inspección a los nuevos caños. Cédula: 110410656.
- 5) Virgita Molina Sánchez (Asesora Legal de ACTo), apoyo legal para ingreso a los caños nuevos. Cédula: 701170380.

Los funcionarios antes indicados y debidamente identificados con sus cédulas de identidad costarricense, navegarán en dos embarcaciones. la primera con un motor fuera de borda de 25 caballos

DM-AM-0818-14

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de fuerza, denominada "Calero", y la segunda con un motor de 50 caballos de fuerza, denominada "Resbaloso", ambos propiedad del Área de Conservación Tortuguero.

Le ruego acepte el testimonio de mi más alta consideración.


Manuel A. González Sanz
Ministro



**Su Excelencia
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua**

ANNEX 56

Note from the Minister of Foreign Affairs of Nicaragua to the Minister of
Foreign Affairs and Worship of Costa Rica
Reference MRE/DM-AJ/482/12/14

15 December 2014

English Translation and Spanish Original

The Minister of Foreign Affairs**Nicaragua**

Managua, 15 December 2014

MRE/DM-AJ/482/12/14

Dear Minister:

I am writing with reference to your note DM-AM-018-14 dated 12 December 2014, received on 15 December of the current year through our Embassy in Costa Rica.

In this regard, on behalf of the Government of Reconciliation and National Unity, I emphatically reject your claim that my country “has significantly delayed and hindered the works for the closing of the *caño este...*” without justification.

Firstly, the prior meeting to carry out the works in the area which you identify as “*Caño Este*” was agreed in the exchange of communications which Nicaragua may present at any time and that are also held in possession by your Government. Secondly, this agreement was to carry out repair works and not for inspection visits, which have already been previously performed.

On the other hand, Nicaragua regrets the incorrect interpretation given by Costa Rica to RAMSAR mission report 077, and reiterates the position expressed in Note MRE/DM-AJ/448/11/14 that the activities must be performed in conformity with said report and within the limits ordered by the Court.

Nevertheless, although Nicaragua considers that the proposed works are unnecessary and unjustified, in order to make it clear that Nicaragua is not “delaying” or “hindering” the works in any way, my Government accepts the change of date which you propose to hold the technical meeting prior to the beginning of works requested by you in the aforementioned note.

In this regard, Nicaragua calls to mind that for Costa Rica to be able to perform the navigation indicated in its notes, it must comply with that established in Decree 79-2009, which has been duly notified to your country.

As a token of Nicaragua’s cooperation so that Costa Rica can comply with the obligations assigned by the ICJ in the Order of 22 November 2013, my government is beginning the process in conformity with Decree 79-2009 so that it is able to navigate on the San Juan River from the Delta to “*Caño Este*” to perform the inspection of the current status of the *caño*, as indicated in your note.

On this occasion, to evidence our facilitation toward Costa Rica, although in your aforementioned note the necessary permits are not formally requested, Nicaragua has taken note of the vessels and government officials which you indicate will navigate on 17 December 2014, requesting that you indicate the estimated time of this reconnaissance mission, so that it adjusts to the schedule established in the aforementioned Decree.

Nicaragua shall provide the Costa Rican officials with accompaniment and protection by Nicaraguan personnel.

Furthermore, on behalf of my government I express our agreement on the time to begin the meeting with the Costa Rican officials on 17 December 2014 at the facilities of the Nicaraguan Army at the Delta, and consider it necessary, prior to the beginning of the reconnaissance mission, for both parties to agree on the following aspects or points of the Agenda:

- 1.- Welcome by Nicaragua and presentation of the Nicaraguan Delegation.
- 2.- Verify compliance with that set forth in Decree 079.2009 for navigation.
- 3.- Coordinate navigation on the San Juan River to ensure compliance with the mission.
- 4.- Indicate each of the measure to be taken by Costa Rica to verify its compliance with the Order of the International Court of Justice and that said measures will not affect Nicaragua's San Juan River.
- 5.- Any points which Costa Rica would like to address.
- 6.- Signature of the minutes of the meeting.

The Government of National Reconciliation and Unity of the Republic of Nicaragua reiterates to the Illustrious Government of Costa Rica the need to agree on the aforementioned points.

Please accept the assurances of y highest consideration.

(Signed)

Samuel Santos Lopez

Mr. Manuel González Sanz
Minister of Foreign Affairs
Republic of Costa Rica
His Office

El Ministro de Relaciones Exteriores
Nicaragua

Managua, 15 de diciembre de 2014
MRE/DM-AJ/482/12/14

Señor Ministro:

Me refiero a su nota DM-AM-018-14 de fecha 12 de diciembre de 2014, recibida el día 15 de diciembre del corriente año, a través de nuestra Embajada en Costa Rica.

Al respecto, en nombre del Gobierno de Reconciliación y Unidad Nacional, rechazo categóricamente su afirmación de que mi país injustificadamente "ha atrasado significativamente y dificultado las labores del cierre del caño Este..."

En primer lugar la reunión previa para llevar a cabo las labores en el área que Usted identifica como el "caño Este" fue acordada en intercambio de comunicaciones que Nicaragua podría presentar en cualquier momento y que también obran en poder de su Gobierno. En segundo lugar, ese acuerdo era para llevar a cabo las obras de reparación y no para visitas de inspección que ya han sido llevadas a cabo anteriormente.

Por otro lado, Nicaragua lamenta la interpretación errada que Costa Rica da al informe de la misión RAMSAR 077, y reitera su posición expresada en la Nota MRE/DM-AJ/448/11/14 que las actividades deben de efectuarse conforme a ese informe y dentro de los límites ordenados por la Corte.

No obstante lo anterior, y a pesar de que Nicaragua considera que las obras propuestas no son necesarias ni justificadas, con el fin de dejar claro que Nicaragua no está "atrasando" ni "dificultando" en manera alguna los trabajos, mi Gobierno acepta el cambio de fecha por usted propuesto para la celebración de la reunión técnica previa al inicio de las labores por usted solicitadas en su nota antes señalada.



*El Ministro de Relaciones Exteriores
Nicaragua*

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MRE/DM-AJ/482/12/14

Sobre este particular, Nicaragua recuerda nuevamente a Costa Rica que para que su país pueda efectuar la navegación planteada en sus notas, debe de cumplir con lo establecido en el Decreto 79-2009, el cual ha sido debidamente notificado a su gobierno.

Como muestra de la mejor cooperación de Nicaragua para que Costa Rica tenga la oportunidad de cumplir con las obligaciones que le asignara la CIJ en la Ordenanza del 22 de Noviembre de 2013, mi gobierno, está iniciando el trámite de conformidad con el Decreto 79-2009 para que se pueda navegar en el Río San Juan del Delta al "Caño Este", a fin de realizar el reconocimiento del estado actual de caño tal y como cita en su nota.

Para esta ocasión, y como muestra de facilitación para con Costa Rica, a pesar que en su nota ya referida, no solicita formalmente los permisos necesarios, Nicaragua ha tomado los nombres de las naves y los funcionarios que indican navegarán el día 17 de diciembre de 2014, solicitándole nos señale el tiempo estimado de esta misión de reconocimiento, a fin de que se ajuste al horario establecido en el Decreto ya mencionado.

Nicaragua brindará a los funcionarios costarricenses, acompañamiento y resguardo por parte de personal nicaragüense.

Así mismo, en nombre de mi gobierno expreso nuestro acuerdo en la hora de inicio de la reunión con los funcionarios costarricenses el día 17 de diciembre de 2014 en las instalaciones del Ejército de Nicaragua en el Delta, y estima necesario que previo al inicio de la misión de reconocimiento antes mencionada, ambas partes nos pongamos de acuerdo en los siguientes aspectos o puntos de Agenda.

1.- Bienvenida de Nicaragua y presentación de la Delegación Nicaragüense.



*El Ministro de Relaciones Exteriores
Nicaragua*

Pág. #3
MRE/DM-AJ/482/12/14

2.- Verificación del cumplimiento de lo dispuesto en el Decreto 079.2009 para la navegación.

3. Coordinación de la navegación por el Río San Juan de Nicaragua para asegurar el cumplimiento de la misión.

4.- Indicación de cada una de las medidas a tomar por Costa Rica para verificar su apego a la Ordenanza de la Corte Internacional de Justicia y de que dichas medidas no afectarán el Río San Juan de Nicaragua.

5.- Cualesquiera puntos que Costa Rica quisiera abordar.

6.- Firma de la ayuda memoria de la reunión.

El Gobierno de Reconciliación y Unidad Nacional de la República de Nicaragua reitera al ilustre Gobierno de Costa Rica, la necesidad de tomar acuerdo en los puntos señalados anteriormente.

Le ruego acepte las muestras de mi más alta consideración

Samuel Santos López



Señor
Manuel González Sanz
Ministro de Relaciones Exteriores y Culto
República de Costa Rica
Su Despacho

ANNEX 57

Note from the Acting Minister of Foreign Affairs and Worship of Costa
Rica to the Minister of Foreign Affairs of Nicaragua
Reference DM-AM-0826-14

16 December 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

16 December 2014
DM-AM-0826-14

Honourable Minister:

With reference to your note MRE/DM-AJ/482/12/14, dated 15 December 2014 and received today, I wish to confirm that the Costa Rican personnel will appear at the agreed time and place.

Nevertheless, Costa Rica objects to certain new aspects proposed by Nicaragua.

In previous notes my country has clearly stated its position regarding the works to close the *caño* built by Nicaragua in an area subject to two orders of provisional measures indicated by the International Court of Justice. Thus, this topic has already been exhausted.

The condition now imposed by Nicaragua so that Costa Rica can perform the works to close the *caño* in conformity with the order of the International Court of Justice of 22 November 2013, meaning compliance with the illegal Decree 79-2009, is a violation of the judgment of the Court of 13 July 2009, and is therefore rejected by Costa Rica, as has been informed to Nicaragua.

On the other hand, Your Excellency, I call to mind that in relation to the closing of the *caños* the Court indicated that:

“Following consultation with the Secretariat of the Ramsar Convention and after giving Nicaragua prior notice, Costa Rica may take appropriate measures related to the two new *caños*, to the extent necessary to prevent irreparable prejudice to the environment of the disputed territory; in taking these measures, Costa Rica shall avoid any adverse effects on the San Juan River;”

Thus, since it was not determined by the Court, the actions that Costa Rica takes in this regard are not subject to Nicaragua’s approval.

Consequently, Costa Rica rejects points 2 and 4 of the agenda proposed by Nicaragua. Nevertheless, our delegation will participate in the meeting to cover the aspects exclusively relating to navigation, except for the aforementioned topics. I inform you that the Costa Rican delegation indicated in my note from 12 December 2014 will be accompanied by government official Ricardo Otárola Pacheco, ID number 1-726-598.

From Your Excellency with the highest consideration,

Eduardo Trejos Lalli
Acting Minister

Mr. Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua

El Ministro de Relaciones Exteriores y Culto

16 de diciembre de 2014
DM-AM-0826-14

Señor Ministro:

Hago referencia a su nota MRE/DM-AJ/482/12/14, fechada 15 de diciembre de 2014 y recibida hoy. Deseo confirmar que la delegación costarricense se apersonará al lugar y hora acordados.

No obstante, Costa Rica se ve en la necesidad de objetar aspectos nuevos propuestos por Nicaragua.

Mi país ha dejado clara constancia de su posición, en notas anteriores, en relación con las obras de cierre del caño construido por Nicaragua en la zona sujeta a dos providencias de medidas provisionales dictadas por la Corte Internacional de Justicia. Por lo anterior, este tema ya está agotado.

La condición que ahora impone Nicaragua para que Costa Rica pueda realizar obras de cierre del caño, de conformidad con la providencia de la Corte Internacional de Justicia del 22 de noviembre de 2013, es decir, el cumplimiento del ilegal Decreto 79-2009, es violatoria de la sentencia de la Corte de 13 de Julio de 2009 y por consiguiente es rechazada por Costa Rica, como ya se le ha hecho ver a Nicaragua.

Por otra parte, recuerdo a Vuestra Excelencia que, en relación con el cierre de los caños, la Corte indicó que:

“Following consultation with the Secretariat of the Ramsar Convention and after giving Nicaragua prior notice, Costa Rica may take appropriate measures related to the two new caños, to the extent necessary to prevent irreparable prejudice to the environment of the disputed territory; in taking these measures, Costa Rica shall avoid any adverse effects on the San Juan River;”


Por no haberlo determinado así la Corte, las acciones que Costa Rica tome en relación con lo indicado por ésta no requieren estar sujetas a la aprobación de Nicaragua.

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En consecuencia, Costa Rica rechaza los puntos 2 y 4 de la agenda propuesta por Nicaragua. No obstante, nuestra delegación participará en la cita a fin de ver los aspectos pertinentes exclusivamente a la navegación, con exclusión de los temas antes mencionados. Informo que la delegación costarricense, previamente indicada en mi nota de 12 de diciembre de 2014, será acompañada por el funcionario Ricardo Otárola Pacheco, cédula de identidad número 1-726-598.

De Vuestra Excelencia con la mayor consideración,


Eduardo Trejos Lalli
Ministro a.i.



Señor
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

ANNEX 58

Note from the Minister of Foreign Affairs and Worship of Costa Rica to the
Minister of Foreign Affairs of Nicaragua
Reference DM-AM-0832-14

18 December 2014

English Translation and Spanish Original

The Minister of Foreign Affairs and Worship

18 December 2014

DM-AM-0832-14

Honourable Minister,

Yesterday, as we timely informed, the Costa Rican delegation listed in note DM-AM-0818-14 from 15 December of the current year went to the post of the Nicaraguan Army at the Delta to participate in the meeting proposed by your Government in note MRE/DM-AJ/478/12/14 from 5 December. In this note Nicaragua proposed “to reprogram the Costa Rican expedition to 8 or 9 December and to take advantage of that same occasion to hold a Technical Meeting in situ.” Therefore, in conformity with the terms of your note, it was understood that this time Nicaragua would not raise objections to Costa Rican navigation on the San Juan River, which would be performed to carry out works related to the closing of the “*caño este*” based on the understanding expressed by both of our countries to the International Court of Justice in diplomatic notes MRE/DM-AJ/414/09/14 of 19 September 2014 and DM-AM-0574-14 of 22 September 2014. Under this premise, Costa Rica accepted in good faith to participate in the meeting, although it was never agreed to hold prior meetings as a condition for said navigation.

My Government considers deplorable the attitude shown by Nicaragua yesterday. The Costa Rican delegation was prevented, a third time, from navigating on the San Juan River in order to perform works related to the closing of the *caño este*, in conformity with the Order of Provisional Measures of 22 November 2013 and the recommendation of the General Secretariat of the Ramsar Convention.

In addition, it was noteworthy that at least two Nicaraguan Vice-Ministers and a numerous delegation of military personnel and government officials from the Nicaraguan Ministry of Foreign Affairs were present, considering that it was a technical meeting in which logistical matters were going to be addressed. Costa Rica deeply regrets that Nicaragua took advantage of the good faith shown by Costa Rica to expose, unnecessarily and at length, legal positions that it knew beforehand were unacceptable for my country, and that were in no way part of the understanding established between both countries to facilitate Costa Rican navigation on the San Juan River to be able to close the “*caño este*”.

It is thus evident, Your Excellency, that Nicaragua never had the intention of facilitating said navigation, which is regrettable. Thus, Costa Rica leaves on record that due to the inability to access the area of the “*caño este*” by river, Nicaragua shall be fully responsible for any damage that occurs to the area.

Please accept the assurances of my highest consideration.

Manuel A. González Sanz
Minister

His Excellency
Samuel Santos López
Minister of Foreign Affairs
Republic of Nicaragua



El Ministro de Relaciones Exteriores y Culto

18 de diciembre 2014

DM-AM-0832-14

Señor Ministro,

El día de ayer, según se informó oportunamente la delegación costarricense indicada en la nota DM-AM-0818-14 del 15 de diciembre del corriente, se presentó al puesto del Ejército de Nicaragua en el Delta, con el fin de participar en la reunión propuesta por su Gobierno en su nota MRE/DM-AJ/478/12/14 del 5 de diciembre. En esa nota Nicaragua proponía “la reprogramación de la expedición costarricense para 8 o 9 de diciembre y aprovechar esa misma ocasión para sostener una Reunión Técnica in situ”. Por lo tanto, de conformidad con los términos de su nota, se entendía que Nicaragua no opondría objeciones esta vez a la navegación costarricense en el río San Juan, que se realizaría con el fin de llevar a cabo labores relacionadas con el cierre del “caño este”, sobre la base del entendimiento manifestado por nuestros dos países a la Corte Internacional de Justicia en sus notas diplomáticas MRE/DM-AJ/414/09/14 del 19 de septiembre de 2014 y DM-AM-0574-14 del 22 de septiembre de 2014. Bajo esta premisa, Costa Rica aceptó de buena fe tomar parte en la reunión, a pesar de que en ningún momento se acordó sostener reuniones previas como condición para tal navegación.

Mi Gobierno considera deplorable la actitud mostrada por Nicaragua el día de ayer. La delegación costarricense fue impedida, por tercera vez, de navegar el río San Juan con el fin de realizar obras ligadas al cierre del caño este, de conformidad con la providencia de Medidas Provisionales del 22 de noviembre de 2013 y la recomendación de la Secretaría General de la Convención de Ramsar.

Adicionalmente, fue llamativa la presencia de al menos dos Viceministros nicaragüenses, y una numerosa delegación de militares y funcionarios de la Cancillería de Nicaragua, para lo que debía ser una reunión técnica que abordaría aspectos de carácter logístico. Costa Rica lamenta profundamente que Nicaragua se haya aprovechado de la buena fe mostrada por Costa Rica para exponer, innecesaria y extensamente, posiciones jurídicas que sabía de antemano son

DM-AM-0832-14

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inaceptables para mi país, y que de ninguna forma eran parte del entendimiento establecido por ambos países para facilitar la navegación costarricense en el río San Juan con el objeto de proceder al cierre del “caño este”.

Se hace evidente por lo tanto, Excelencia, que Nicaragua nunca ha tenido la intención de facilitar dicha navegación, lo que es lamentable. Por esto, Costa Rica deja constancia de que cualquier daño que se genere en la zona dada la imposibilidad de acceso fluvial a la zona del “caño este” por acciones inaceptables de parte de su país, será de la entera responsabilidad de Nicaragua.

Le ruego acepte el testimonio de mi consideración.


Manuel A. González Sanz
Ministro



Su Excelencia
Samuel Santos López
Ministro de Relaciones Exteriores
República de Nicaragua

ANNEX 59

Press Release of 26 October 1976 and Minutes of the Meeting of Liberia of 25 January 1977, in: Ministry of Foreign Affairs and Worship of Costa Rica referring to the initiation of discussions of a maritime boundary in the Pacific Ocean

Annual Report 1976-1977

Vol. I, pp. 156-160

English translation

Annual Report**Ministry of Foreign Affairs and Worship****1976-1977****Submitted to the Legislative Assembly 13 May 1977****p. 156****Press Release**

“Gathered here, on behalf of Nicaragua, the Ministers of Foreign Affairs, Economy and Defence, and, for Costa Rica, the acting Minister of Foreign Affairs, and the Ministers of Economy and Security, they conversed extensively on the differences existing between the two countries, in the spirit of finding solutions in conformity with the existing cordial relations and their traditional friendship, and approved the following resolutions:

1.- That both Governments will monitor, through their National Geographic Institutes, that the publication of maps edited by their Official Institutions show the border between Nicaragua and Costa Rica exactly as indicated by the international instruments in effect between both countries.

2.- That both Governments will be vigilant that their authorities and officials do not perform any acts that affect the territorial integrity and sovereignty of the other State.

3.- That there being no conflict regarding the borders, the National Geographic Institutes of Nicaragua and Costa Rica shall restore markers 2 to 4 of the border, and will place intermediate markers, at the number deemed convenient, to facilitate the identification of the border with the rest of the border line.

4.- That both Governments will take all adequate measures to prevent that in the territory of their corresponding States subversive activities being carried out that attempt to alter the public order and peace of the other state.

5.- That those employers who hire temporary workers from the other country commit to repatriate those workers once their contract is completed.

6.- That the captains and crew of fishing boats detained for illegal fishing shall be granted full freedom, as soon as possible, once legal processes have been complied with, and the seized boats shall be returned in a similar working state to that which they had at the time of their capture.

7.- That in order to prevent future problems regarding fishing, the Geographic Institutes of both countries shall begin studies on the delimitation of the borders of the maritime spaces

of both countries, and that the Ministries of the Economy and the Ministry of Agriculture and Livestock in Costa Rica shall establish a mechanism for the possibility of granting reciprocal licenses to the fishing boats of the other country.

In addition to the above resolutions, it was deemed convenient, to reaffirm the excellent relations that have always existed between the two countries, to hold soon a meeting of the Honourable General Anastasio Somoza Debayle and Licenciado Daniel Oduber, Presidents of Nicaragua and Costa Rica, respectively.”

La Virgen, Departamento de Rivas, Nicaragua, October 26, 1976.

II MEETING OF PRESIDENTS

The Presidents of both countries accepted the recommendation contained in the Press Release of the Meeting of Cibalsa, and decided to meet in Managua, Nicaragua, on November 5, 1976. The Ministries of Foreign Affairs did not agree to an agenda beforehand. As a result of this gathering the following joint communiqué was issued:

“Gathered here, the Presidents of the Republics of Nicaragua and Costa Rica, General Anastasio Somoza Debayle and Licenciado Daniel Oduber,

Agreed the following:

- 1.- To express their appreciation of the resolutions approved by the Ministers at the meeting held in La Virgen, Departamento de Rivas, on October 26, 1976.
- 2.- To express their conviction that by complying with these resolutions the differences between both countries will be fully resolved.
- 3.- To reiterate their determination to maintain unaltered the cordial relationships and the traditional friendship between Nicaragua and Costa Rica.
- 4.- To express their satisfaction with the recent signing of the Mediation Agreement between El Salvador and Honduras, and hope that it resolves the controversies existing between them.
- 5.- To reiterate their wishes that the works to restore the Central American Common Market conclude as soon as possible.

Managua, Nicaragua, 5 November 1976.

(signed) Anastasio Somoza Debayle

(signed) Daniel Oduber

III MEETING OF LIBERIA

In order to monitor the progress achieved in compliance with the agreements of Cibalsa, a new meeting of Nicaraguan and Costa Rican officials was organized. It was held in Liberia, Guanacaste, on 25 January 1977, with the participation of the Ministers of Foreign Affairs, the Economy, Industry, Commerce and Agriculture of both countries, the Ministry of Public Security of Costa Rica and of Defence of Nicaragua, and the directors of the corresponding geographic institutes and advisors of both Ministries of Foreign Affairs.

AGENDA OF THE MEETING

- 1.- Work performed for the demarcation of territorial and maritime limits.
- 2.- Agreement for joint exploitation of the maritime wealth in the border area.
- 3.- Information regarding the return of boats.

AGREEMENTS REACHED AT THE MEETING OF LIBERIA, COSTA RICA, ON 25 JANUARY 1977

- 1.- The report presented by the Directors of the National Geographic Institutes, regarding the establishment and densification of the markers between points No. 2 and No. 6 of the border areas, was accepted and deemed satisfactory. The Directors expressed that during 1977 approximately 25 concrete markers will be placed, along with a total of 50 magnetic reference markers, covering a distance of 11.5 kilometres of tracks, 10 metres wide.
- 2.- The National Geographic Institutes shall continue with the studies to delimit the maritime borders between the two countries, and the results of the corresponding studies of both Governments shall be presented before March 31 of this year, in conformity with the international standards applicable to this matter.
- 3.- The Ministry of the Economy of Nicaragua and of Agriculture and Livestock of Costa Rica shall begin conversations to prepare a temporary agreement establishing a fishing border area for both countries, while the final maritime delimitation is made, also agreeing to convenient conversation measures and the sanctions that shall be imposed to nationals of

the other country who fish without permission outside of the indicated area. The Ministers mentioned will present the proposal on the above topics before 28 February of this year.

4.- In relation to the return of the boats, the case of “Acuario L” and “El Don Tomás,” this has been resolved in a satisfactory manner, therefore both will be returned.

In the case of the boat “La Chocoyona,” an agreement was reached that it shall be repaired within 45 days, under the supervision of its owner; in addition, a sum of 10.000 Córdobas shall be provided as compensation.

Regarding the boat “El Eduardito,” the interested parties are holding conversations, which shall conclude this afternoon with an agreement of the sum to be paid.

With regard to “La Talita,” the boat will be delivered in functioning conditions within 30 days; in addition, a sum of 8.000 Córdobas will be provided as compensation.

Regarding the boat “Santa Cecilia,” case which was not considered in the Cibalsa Agreement, but is presented as a claim at this time, will be studied by both Governments, soon and willingly.

5.- The Government of Nicaragua commits to return the boats “San Martín” and “Margarita” as soon as the proceedings of this agreement are completed.

Liberia, Costa Rica, 25 January 1977.

To date, all boats have been released and returned to their owners, task that was assigned to the Ministries of Public Security and Defence of Costa Rica and Nicaragua, respectively.

In relation to section 2) of the Agreement of Liberia, the delimitation of the maritime border in the Pacific Ocean is still being studied. With regard to section 3) of the same agreement, the National Geographic Institute and this Ministry of Foreign Affairs are studying a proposal of the Nicaraguan Government.

ANNEX 60

Minutes of the First Meeting of the Sub-Commission on Limits and
Cartography

7 November 2002

English Translation

MINUTE OF THE FIRST MEETING OF THE SUB-COMMISSION OF LIMITS AND
CARTOGRAPHY

San José, 7 November 2002

Held at the premises of the Ministry of Foreign Affairs and Worship of the Republic of Costa Rica, and in compliance with the agreement reached by the Vice-Ministers of Foreign Affairs of the Republic of Nicaragua and the Republic of Costa Rica on 6 September 2002 to begin conversations conducive to defining the maritime delimitation between both countries. The delegations were comprised of the following individuals:

For the Republic of Nicaragua:

Dr. Julio Cesar Saborío Argüello
General Director of Sovereignty, Territory and International Legal Matters
Ministry of Foreign Affairs

Dr. Alejandro Montiel Argüello
Legal Advisor
Ministry of Foreign Affairs

Lic. Ligia Margarita Guevara Antón
General Department of Sovereignty, Territory and International Legal Matters
Ministry of Foreign Affairs

Pedro Miguel Vargas, Eng.
General Director of Geodesy and Cartography
Nicaraguan Institute of Territorial Studies

Gonzalo Medina, Eng.
Technical Advisor
Department of Geodesy and Cartography
Nicaraguan Institute of Territorial Studies

Dr. Ricardo Wheelock Román
Chief of the Center of Military History
Nicaraguan Army

Lic. Carlos Arroyo Borgen
International Relations Advisor
Ministry of Defence

Lic. Mauricio Díaz
Nicaraguan Ambassador in Costa Rica
Margarita Guerrero de López
Advisor
Nicaraguan Embassy in Costa Rica

For the Republic of Costa Rica:

Dr. Carlos Alvarado
Advisor of the Minister of Public Security and ad-hoc Advisor of the Ministry of Foreign Affairs

Ambassador Rodrigo Carreras
Director of the Manuel María de Peralta Diplomatic Institute

Ambassador Alvaro [sic] Antillón
Advisor to the Minister
Ministry of Foreign Affairs

Eduardo Bedoya, Eng.
Director of the National Geographic Institute

Master Clotilde Obregón
Advisor of the Ministry of Foreign Affairs

Master Sergio Ugalde
Coordinator of the Commission on International Law
Ministry of Foreign Affairs

Master Arnoldo Brenes
Advisor to the Minister
Ministry of Foreign Affairs

Master Adriana Murillo
Member of the Commission on International Law
Ministry of Foreign Affairs

The Costa Rican Minister of Foreign Affairs gave the welcoming remarks, and both countries congratulated each other on the new era of neighbourly relations, characterized by ties of brotherhood and good neighbourliness, and willingness to strengthen cooperation in

sustainable development. In this regard, it was noted that it would be timely to review the discussions on maritime delimitation that took place in Cibalsa in 1976.

According to the agenda established and approved by the Sub-Commission, the first point of the meeting was reaching the following agreements to be passed on to the Vice-Ministers of Foreign Affairs for their consideration:

I.- Creation of a database with documentary and cartographic material

Based on the agreements of the Final Minutes of the IV Bi-national Meeting Nicaragua-Costa Rica, held in Granada, Nicaragua, on 12 and 13 May 1997, having updated the list indicated therein with the most recent material, it was decided:

I.1.- To use the following cartographic material as an open list, with the possibility of including new documents in the process:

a. Map “21547. Central America. NICARAGUA-COSTA RICA, San Juan del Sur and Approaches, Mercator Projection, World Geodetic System (WGS)” 1:75 000. Prepared and published by Defense Mapping Agency Hydrographic/Topographic Center, second edition, 1995.

b. Nautical Chart “OMEGA 21540, West Coast, NICARAGUA-COSTA RICA. Corinto to punta Guiones, Mercator Projection, World Geodetic System (WGS), 1972 Datum” 1:300 000. Prepared and published by Defense Mapping Agency Hydrographic/Topographic Center, 36th edition, 1995.

c. Nautical Chart “OMEGA 21500. North Pacific Ocean, Central America – West Coast. Punta Remedios to Cabo Matapalo. Mercator Projection, World Geodetic System (WGS), 1972 Datum” 1:1 000 000. Prepared and published by Defense Mapping Agency Hydrographic/Topographic Center, 1st edition, 1994.

d. Map “28110. Central America – East Coast. NICARAGUA-COSTA RICA, Laguna de Perlas to Río Colorado. San Juan del Sur and approaches. Mercator Projection, World Geodetic System (WGS)” 1:175 000. Prepared and published by Defense Mapping Agency Hydrographic/Topographic Center, second edition, 2001.

e. Map “LORAN C. 28006. Caribbean Sea. Southwest Part. Mercator Projection, World Geodetic System (WGS)” 1:1 200 000. Prepared and published by Defense Mapping Agency Hydrographic/Topographic Center, 1st edition, 1992.

f. Map 1025, Central America, West Coast of Nicaragua and Costa Rica. SALINAS BAY. Published in 1887, Hydrographic Office, Secretary of the Navy, 14th edition.

g. Topographic sheets at a scale of 1:50 000; “*Bahía Salinas*”, edition 2-IGNCR, 1998. Lambert projection. Clarke’s spheroid of 1866, Ocotepeque fundamental. National

Geographic Institute, Costa Rica, with the collaboration of the General Department of Cartography, Nicaragua, and the Inter-American Geodetic Survey, and Caribbean Sea (Punta Castilla), National Geographic Institute, Costa Rica. "Punta Castilla", edition 2-IGNCR, 1998. Lambert projection. Clarke's spheroid of 1866, Ocotepaque fundamental. National Geographic Institute, Costa Rica, with the collaboration of the Inter-American Geodetic Survey.

h. Topographic sheets with scale 1:200 000: "Liberia", CR-2CM-1. Lambert projection, Clarke's spheroid of 1866, Ocotepaque fundamental. National Geographic Institute, Costa Rica, with the collaboration of the Inter-American Geodetic Survey. "Barra del Colorado," CR-2CM-3. Lambert projection, Clarke's spheroid of 1866, Ocotepaque fundamental. National Geographic Institute, Costa Rica, with the collaboration of the Inter-American Geodetic Survey. "San Carlos" CR-2CM-3. Lambert projection, Clarke's spheroid of 1866, Ocotepaque fundamental. National Geographic Institute, Costa Rica, with the collaboration of the Inter-American Geodetic Survey. "Nicoya", CR-2CM-3. Lambert projection, Clarke's spheroid of 1866, Ocotepaque fundamental. National Geographic Institute, Costa Rica, with the collaboration of the Inter-American Geodetic Survey.

i. Topographic sheets at a scale of 1:250 000 of the Americas Series, for the Pacific Ocean and Caribbean Sea.

j. Nautical Chart Cabo Gracias a Dios to Puerto Colombia N° 26,000.

k. Topographic sheets at a scale of 1:50 000 from INETER

l. Aerial photographs at different scales, recent and old ones.

m. Satellite, scan or radar images, at different scales.

I.2 Include all cartographic information in an integrated information system for use by both countries.

I.3 Use the following legal instruments:

a. Jerez-Cañas/Cañas-Jerez Treaty of Limits, Nicaragua-Costa Rica 1858.

b. Grover Cleveland Award of 1888

c. Decisions of Engineer E.P. Alexander (Awards N° 1 to 15)

d. Domestic law of both countries

e. International law binding on both countries

f. United Nations Convention on the Law of the Sea (1982)

g. Handbook on the delimitation of maritime boundaries of The Division for Ocean Affairs and the Law of the Sea of the United Nations.

I.4.- Both delegations exchange cartographic and legal material.

II. Determination of aspects that will require international technical cooperation

Both delegations highlighted the importance given by the Vice-Ministers of Foreign Affairs to the possibility of assistance from The Division for Ocean Affairs and the Law of the Sea of the United Nations. In this regard, it was agreed:

II.1.- To guarantee and celebrate the technical capacity of the corresponding cartographic institutions represented by the Nicaraguan Institute of Territorial Studies and the National Geographic Institute of Costa Rica.

II.2.- Instruct the Ambassadors of both countries before the United Nations to jointly request a detailed inventory of the possibilities of cooperation, both financial and technical, to The Division for Ocean Affairs and the Law of the Sea of the United Nations, following up on the note dated 6 September, sent by our Vice-Ministers of Foreign Affairs to the Secretary General of the Organization.

II.3.- In a parallel manner, request the cartographic institutions of both countries to begin an inventory of the actions to be followed, resources that will be required during the process, and derived technical and financial needs.

III.- Consideration of the possible contents of the agreement to be signed

The Sub-Commission agreed to propose to the Vice-Ministers of Foreign Affairs that the delimitation agreement shall include, among other, the following components:

- a. Resolution of potential disputes
- b. Sustainable management of marine resources, including fishing and its commercial regulation
- c. Conservation and protection of biodiversity
- d. Exploration and exploitation of hydrocarbons
- e. Security, including the fight against drug trafficking, illegal fishing and illegal trafficking of persons
- f. Cross-border contamination
- g. Scientific and oceanographic cooperation

Both delegations expressed their interest in addressing and developing these topics in the future. Similarly, they expressed their enthusiasm regarding the possibility of developing an agreement based on the most modern international legal framework.

IV.- For purposes of the future work program, it is agreed that on 12 December 2002 the cartographic institutions shall meet in Liberia, Costa Rica, to assess the resources required, basic principles and delimitation method, and to discuss the respective proposals regarding the work of the Cabinet.

V.- It was agreed that the second meeting of the Sub-Commission on Limits and Cartography shall take place on 6 and 7 February, 2003, in Nicaragua.

[signature]

[signature]

ANNEX 61

National System of Conservation Areas, Tortuguero Conservation Area

Log of the meeting held on the premises of the Nicaraguan army post in the Delta to notify the entry by the San Juan River in order to navigate to the disputed area declared by the International Court of Justice

17 December 2014

English Translation



NATIONAL SYSTEM OF CONSERVATION AREAS
TORTUGUERO CONSERVATION AREA
Legal Advisory



LOG OF THE MEETING HELD ON THE PREMISES OF THE NICARAGUAN ARMY POST IN THE DELTA TO NOTIFY THE ENTRY BY THE SAN JUAN RIVER IN ORDER TO NAVIGATE TO THE DISPUTED AREA DECLARED BY THE INTERNATIONAL COURT OF JUSTICE IN ISLA PORTILLOS COSTA RICA v. NICARAGUA

At fourteen hours of seventeen December of 2014, present at a place named Delta Costa Rica, of the San Antonio Village, Llanuras del Gaspar District, Canton of Sarapiquí in the Province of Heredia, we proceed with the opening of the minute of the meeting held in the Nicaraguan Army post for the purpose of notifying the entry by waterway on the San Juan river to the area declared in dispute by the International Court of Justice (ICJ), related to the works for the closing of the eastern “caño” in Isla Portillos. This on the basis of the Order of ICJ of 22 November, 2013, where new provisional measures in the case "Certain Activities of Nicaragua in the Border Area (Costa Rica v. Nicaragua) were indicated.

8:38 hours: The Costa Rican environmental authorities designated to start the works of closure of the eastern “caño”, along with the officer of the Ministry of Foreign Affairs and Worship, Ricardo Otárola Pacheco, arrived to the police control post at Delta Costa Rica.

9:05 hours: The transportation towards the Delta Nicaragua control post is carried out on the boat named “Calero” commanded by captain Erick Herrera Quesada, identity card number 7-135-102, along with the following environmental protection personnel onboard: Eng. Miguel Montero Araya, identity card number 1-896-804, Olman Mena Valverde, identity card number 1-1041-656, Miguel Aguilar Badilla, identity card number 1-918-911, Licda Virgita Molina Sánchez, identity card number 7-117-380 and the official of the Ministry of Foreign Affairs and Worship Ricardo Otárola Pacheco, identity card number 1-726-598.

9: 10 hours: Arrival to Delta Nicaragua control post. Since they observe us arriving by the River, various members of the Nicaragua army come out and wait for us in the dock; some of them were taking photographs. Commander “Jirón” comes out directly to greet us and offers help to dock our boat. We proceed to disembark and we are directed to the facilities of the Immigration and Foreigners Department.

9: 15 hours: On the way to those facilities, Mr. William Borges, officer of the Immigration Department of Nicaragua introduces himself and asks for my identification card and those of my colleagues. I give him the note DM-AM-0818-14 of 12 December 2014, signed by the Foreign Minister of Costa Rica, Manuel González, notifying of our navigation on that day and the list of personnel integrating the mission, and the name and information of the boat. Since the meeting was about to start, our identity cards eventually were not requested.

9: 18 hours: Once on the Nicaraguan Immigration Department facilities, the Nicaraguan delegation whose members do not carry identification, welcome us. Mr. César Vega, Vice Minister of Foreign Affairs proceeds to introduce the members of the delegation and indicates that they are Mr. Roberto Araquistain, Vice Minister of Environment and Natural Resources; Colonel Walner Molina, Legal Adviser of the Nicaraguan Army; Álvaro Rivas, Head of the Army Detachment; Lester Quintero, Head of the Nicaraguan Ports Company (EPN), Ambassador Julio Saborío, Legal Director of the Foreign Ministry of Nicaragua, a notary public named



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Carolina (no surname recorded), and Mr. Silvio Meza.

9: 21 hours: The Costa Rican delegation, which consists of Mr. Erick Herrera Quesada, Miguel Montero Araya, Olman Mena Valverde, Miguel Aguilar Badilla, Virgita Molina Sánchez and Ricardo Otárola Pacheco, is formally introduced.

9:22 hours: The meeting formally begins and an exchange of views between the two sides, reproduced below in general terms, develops. It is necessary to clarify that the reconstruction of the interventions of each participant is made from hand written notes taken at the moment, and thus, the following reflects general ideas from each intervention instead of an exact transcription of what was said.

Ricardo Otárola: Thanks for the welcome given.

Viceminister César Vega: Requests the approval of the established agenda, a copy of which is distributed on the spot.

Ricardo Otárola: Indicates Costa Rica has replied about the items in the agenda, by letter DM-AM-0826-14, rejecting points 2 and 4 of the proposed agenda.

Viceminister César Vega: Requests the verification of compliance with the regulations included in the Decree 079-2009, arguing that such compliance is essential to Nicaraguan law, and they have the right and duty to enforce it.

Ricardo Otárola: Indicates that if the Nicaraguan delegation wishes to proceed with the verification of compliance with Decree 079-2009 the Costa Rican delegation could not stop it, but notes that on Costa Rica's view the decree is illegal for being contrary to the Judgment of the International Court of Justice of 2009.

Viceminister César Vega: Indicates that he considers striking that Costa Rica qualifies Nicaraguan Legislation, and especially that it considers it illegal.

Ricardo Otárola: Clarifies that it is illegal from the point of view of international law.

Viceminister César Vega: Requests Ambassador Julio Saborio collaboration in order to do a reading of the judgment of the Court:

Ambassador Julio Saborio: Quotes paragraph 85 of the 2009 ICJ Judgment, indicating that, according to the judgment, Nicaragua has the power to regulate navigation; Costa Rica is entitled to navigate and Nicaragua to regulate.

Ricardo Otárola: Indicates that it is not convenient to start a debate over that subject since an agreement in that regard would not be achieved.

Viceminister César Vega: Expresses his concern that if the verification of compliance with Decree 079 takes place, it could be that the Costa Rican boat does not comply and therefore the Costa Rican delegation could not navigate.

Ricardo Otárola: Indicates that if the delegation of Nicaragua performs the verification, the Costa Rican delegation could not stop it, but that the purpose of the mission is to carry out a reconnaissance of the river conditions that is necessary for the navigation required for the closing the "caño".

Colonel Molina: Indicates he does not agree with the Decree being put into question and it being said that it violates international law, indicating that Nicaragua does not have clarity of how Costa Rica would perform those works, and that it is concerned that the navigation is done in a safe manner, because of the risk of crashing against the tree branches or that vessels are turned over.



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Viceminister César Vega: Insists that no government may question the Nicaraguan legislation, Nicaragua has “sovereign jurisdiction” over the river, and that Costa Rica has a limited right of navigation and, for that reason, the Decree is necessary to make navigation safe, moreover, they have the duty to take care of the river, which is a patrimony of Nicaragua.

Colonel Molina: Indicates that the Decree does not discriminate against Costa Rica.

Viceminister Roberto Araquistain: Indicates that he is concerned about the measures that can be taken for closing the “caño”. Costa Rica's main objective is to close the river, through the accumulation of sacks filled with sand and gravel to construct the dykes, and that they in it don't find environmental engineering. He considers that hydrological and geomorphological studies must be done as well as studies on vegetation, indicating that if there is clarity on the situation something more appropriate than the accumulation of sacks can be designed. Nicaragua wants to help in this regard, because they have studies of the area, they believe that the Ramsar proposal is positive because it indicates that studies to restore nature are necessary, resulting in something stronger than dikes, they have materials here and there is no need for Costa Rica to bring them.

Viceminister César Vega: Requests a joint appraisal of the documents between Costa Rica and Nicaragua, because no document refers to “closing”, it refers to “measures” that have to be taken to avoid adverse situations.

Colonel Molina: Indicates that the closure can only be ordered by the Court and its Order does not say it.

Ricardo Otárola: Clarifies that the meeting is to coordinate access to the area, it is not a request to authorize navigation, nor a meeting to discuss the actions of Costa Rica; at this time the river is higher and studies indicate that when it is in that state there is more risk that the “caño” connects to the sea, that is why a preventive closing, as recommended by Ramsar is necessary to avoid irreparable harm.

Viceminister Roberto Araquistain: Indicates that because of that reason is that you have to know the dynamics of the river to avoid a flood and prevent the dyke that Costa Rica wants to build to close the “caño” breaks. He finds it very hasty and that these dykes do not contribute anything positive, so something better must be done. He indicates that the bay was larger when Alexander did his studies and therefore something more structured should be thought about, with more engineering.

Ricardo Otárola: Indicates that their concerns will be transmitted to the Government of Costa Rica. However, it is clear that we are currently on a mission that has to be fulfilled and therefore it is better to discuss the agenda items and asks them to indicate if it is possible to advance in those items.

Viceminister César Vega: Indicates that the penultimate letter of Nicaragua referred to both countries working together jointly, and that he is concerned about point 4 in the agenda, which is very important because the Court indicated that measures should be taken, that is very different of a “closure”, that Order does not include that.

Colonel Molina: Informs that during the morning he could observe that the river is calm; that the “caño” is clean and there is no current entering it; that the place is intact, and there is no rainfall in the area, or water pollution in the caño.

Viceminister César Vega: Indicates that he sees no risk of environmental damage, and that it is appreciable that in one year there haven't been any damages.





NATIONAL SYSTEM OF CONSERVATION AREAS
TORTUGUERO CONSERVATION AREA

Legal Advisory



Virgita Molina: Makes a brief explanation of the need for this reconnaissance and that if Nicaragua is really concerned about the works and the possible damages, the more reason to consider necessary the navigation of the environmental personnel.

Viceminister César Vega: Indicates that he does not wish to obstruct, but considers that there is no agreement.

Colonel Molina: Indicates that they cannot authorize navigation for an inspection mission as if it was independent of the closure works, because afterwards other navigation missions would take place for the closure works, and they believe that these works should not be done.

Ricardo Otárola: Indicates that the measure of closure is not negotiable and that the inspection of the site by the environmental delegation is necessary.

Viceminister Roberto Araquistain: Indicates that they disagree with the decision to close the “caño”, since Ramsar did not order to construct structures, and therefore studies should be done; that they are very respectful of the preventive principle so Nicaragua calls to perform more studies, because they cannot accept an “a priori” solution without studies, furthermore that the flow of waters in the area is not superficial but it is all underground.

Viceminister César Vega: Furthermore, indicates the situation that Costa Rica wants to verify can only be appreciated visiting the site by air.

Ricardo Otárola: Indicates Costa Rica requires to verify the current status of the site and clarifies that the measures that are to be taken were communicated to the Court so Costa Rica will not negotiate them.

Viceminister Roberto Araquistain: Indicates that the measures were not communicated to Nicaragua, that Nicaragua maybe did not have to approve them, but they should have being officially communicated and to date they are still waiting.

Ricardo Otárola: Clarifies that the Court notifies the parties and that Costa Rica knows Nicaragua is informed of the measures, because after Costa Rica submitted its report to the Court, Nicaragua submitted a corresponding report answering that of Costa Rica. At that time Mr. Otarola offers a copy of the project.

Viceminister Roberto Araquistain: Requests the official communication of the document. He also indicates that Nicaragua considers that the measures are not appropriate as recommended by Ramsar and the ICJ orders, so it cannot be spoken about closure, these are points that have to be agreed between Nicaragua and Costa Rica.

Ricardo Otárola: Indicates that an agreement between Costa Rica and Nicaragua on these issues is not derived from that Order by the Court. Therefore respectfully requests to be informed if entry will be allowed. Adds that Costa Rica accepted the meeting in good faith to inform about the logistics of the navigation and not for a negotiation of this nature.

Viceminister César Vega: Indicates that he is clear that Costa Rica has a “closure” mission and that the situation would be different if the reconnaissance was only to observe, but not to close and that cannot be done using the river that is Nicaraguan territory. Indicates that Nicaragua will make a record of the meeting indicating that it was conducted in a fraternal way.

10:05 hours: The meeting ends.

10:30 hours: We arrived back to the police post at Delta Costa Rica. The log is issued in the offices of the Tortuguero conservation area.

14: 00 hours: That is all. I proceed to close this log and to that effect my signature and stamp as



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legal adviser of the Tortuguero Conservation area are stamped.

M.Sc. Virgita Molina Sánchez
Legal Adviser
ACT / SINAC



ANNEX 62

Affidavit of Mr. Victor Julio Vargas Hernandez, recorded by Notary Public,
Mr. Gustavo Arguello Hidalgo
Deed no. 177-9

17 July 2014

English Translation and Spanish Original

Translation

NUMBER ONE HUNDRED SEVENTY-SEVEN-NINE: Before me, GUSTAVO ARGUELLO HIDALGO, Notary Public with office in San José, San Pedro de Montes de Oca, Barrio Dent fifty metres south of the Consejo Monetario Centroamericano, at the Boulevard, appears Mr. **VICTOR JULIO VARGAS HERNANDEZ,** Costa Rican, of legal age, single, farmer, who resides in Alajuela Province, Santa Rosa de la Palmera, bearer of ID number five – zero one hundred forty-three – zero two hundred ninety-nine. **AND INDICATES THAT:** Having knowledge of the penalties imposed by law for perjury and false testimony, he declares under oath that: **FIRST:** For thirty-three years he has been the owner of a farm located in the vicinity of the right bank of San Juan River, at the location known as Caño Venado, in the Cutris district of San Carlos. **SECOND:** That due to the limitations on production and development of the area he contacted representatives from Cooperativa de Servicios Ambientales y Agroecoturísticos Coopeagrotur R. L., located at Boca Tapada de San Carlos, to request advice for the development of agro-tourism activities at his farm, to obtain a better income for his support and that of his family. **THIRD:** That for that purpose he paid Mr. Máximo Solano, boat operator of the area, the amount of one hundred twenty thousand colones, approximately two hundred thirty US dollars, to transport representatives of the Cooperative from Boca de San Carlos to his farm, for which it was necessary to navigate a stretch of San Juan River, on Thursday the twenty six of June two thousand and fourteen. **FOUR:** That these persons were unable to reach the farm given that they were prohibited from navigating San Juan River by soldiers of the Nicaraguan Army, situation which he confirmed in person with the individuals who travelled. That is all which he wishes to testify. I advised the deponent of the legal value and transcendence of what he stated. I hereby issue a first testimony thereof. This document was read out loud, accepted by the deponent and signed in San José at fifteen hours of July seventeen two thousand and fourteen.*****
***** VICTOR JULIO VARGAS HERNANDEZ *** GUSTAVO ARGUELLO HIDALGO *** THE FOREGOING IS AN EXACT COPY OF DEED NUMBER ONE HUNDRED SEVENTY-SEVEN –NINE, VISIBLE AT THE FRONT OF PAGE ONE HUNDRED FIFTY-SEVEN OF BOOK NINE OF THIS NOTARY’S PROTOCOL. CHECKED AGAINST THE ORIGINAL, IT IS FOUND CORRECT, AND I ISSUE IT AS A FIRST TESTIMONY THEREOF IN THE SAME ACT OF GRANTING OF THE ORIGINAL.

GUSTAVO ALBERTO ARGUELLO HIDALGO

(Signature)

(Stamps)

NÚMERO CIENTO SETENTA Y SIETE-NUEVE: Ante mí **GUSTAVO ARGUELLO HIDALGO**, Notario Público con oficina en San José, San Pedro de Montes de Oca, Barrio Dent cincuenta metros al sur del Consejo Monetario Centroamericano en el Boulevard, comparece el señor **VICTOR JULIO VARGAS HERNANDEZ**, costarricense, mayor, soltero, agricultor, vecino de la provincia de Alajuela, Santa Rosa de la Palmera, portador de la cédula de identidad número cinco – cero ciento cuarenta y tres – cero doscientos noventa y nueve. **Y DICE:** Que apercibido debidamente de las penas con que la ley castiga el perjurio y el falso testimonio, se presenta a declarar bajo fe de juramento lo siguiente: **PRIMERO:** Que por treinta y tres años ha sido poseedor de una finca localizada en las inmediaciones de la margen derecha del Río San Juan, en la localidad conocida como Caño Venado, en el Distrito de Cutris de San Carlos. **SEGUNDO:** Que dadas las limitaciones productivas y de desarrollo en la zona, contactó a representantes de la Cooperativa de Servicios Ambientales y Agroecoturísticos Coopeagrotur R. L., localizada en Boca Tapada de San Carlos, con el fin de solicitar asesoría para el desarrollo de actividades agro-turísticas en su finca, y lograr mejorar sus ingresos económicos para el sustento suyo y el de su familia. **TERCERO:** Que para ese fin, pagó al señor Máximo Solano, botero de la zona, la suma de ciento veinte mil colones o aproximadamente doscientos treinta dólares de los Estados Unidos de América, para que transportara a representantes de la Cooperativa desde Boca de San Carlos hasta la finca, para lo cual debían navegar un trecho del Río San Juan, el día jueves veintiséis de junio de dos mil catorce. **CUARTO:** Que dichas personas no pudieron llegar a la finca dado que se les impidió la navegación por el Río San Juan por parte de efectivos del Ejército de Nicaragua, situación que confirmó personalmente conversando con quienes viajaron. Es todo lo que desea declarar. Advertí al declarante del valor y trascendencia legales de sus manifestaciones. Emito un primer testimonio. Siendo leída la presente en voz alta, resulto conforme y firmamos en San José, al ser las quince horas del diecisiete de julio de dos mil catorce. *****

**** **VICTOR JULIO VARGAS HERNANDEZ** *** **G. ARGUELLO H.** *****

LO ANTERIOR ES COPIA EXACTA DE LA ESCRITURA NÚMERO CIENTO

GUSTAVO ALBERTO ARGUELLO HIDALGO



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SESENTA Y SIETE-NUEVE, VISIBLE AL FOLIO CIENTO CINCUENTA Y SIETE
FRENTE DEL TOMO NOVENO DEL PROTOCOLO DEL SUSCRITO NOTARIO.
CONFRONTADA CON SU ORIGINAL RESULTO CONFORME Y LA EXPIDO COMO
UN PRIMER TESTIMONIO EN EL MISMO ACTO DEL OTORGAMIENTO DE LA
MATRIZ.

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ANNEX 63

Affidavit of Mr. William Vargas Jimenez, recorded by Notary Public,
Mr. Gustavo Arguello Hidalgo
Deed no. 178-9

21 July 2014

English Translation and Spanish Original

Translation

NUMBER ONE HUNDRED SEVENTY-EIGHT -NINE: Before me, GUSTAVO ARGUELLO HIDALGO, Notary Public with office in San José, San Pedro de Montes de Oca, Barrio Dent fifty metres south of the Consejo Monetario Centroamericano, at the Boulevard, passing through the town of Pital de San Carlos, appears Mr. **WILLIAM VARGAS JIMENEZ**, Costa Rican, of legal age, married once, farmer, resident of La Legua de Pital in Alajuela Province, bearer of ID number two – two-hundred ninety-seven – seven hundred eighty-six, **AND INDICATES THAT:** Having knowledge of the penalties imposed by law for perjury and false testimony, he declares under oath that: **FIRST:** I am a member of Cooperativa de Servicios Ambientales y Agroecoturísticos, Coopeagrotur R. L., in process of registration before the Public Registry, which has the goal of supporting the member farmers with agro-tourism projects. **SECOND:** It was coordinated with Mr. Victor Julio Vargas, a member, to perform a study on the feasibility of developing an agro-tourism project at the farm which he owns on the Costa Rican bank of San Juan River, in the area of Caño La Venada, near the sector of Las Chorreras, Cutris district, San Carlos canton. **THIRD:** The trip was coordinated for June twenty-six two thousand fourteen, using the services of a boat operator who was hired by the owner of the farm and would take us on San Juan River to our destination at Caño La Venada. **FOUR:** On June twenty-six two thousand fourteen, other members of the cooperative and I met with the boatman at approximately nine a.m. and left the pier of Boca de San Carlos. **FIVE:** The boatman indicated that we had to cross San Juan River to report ourselves at the Nicaraguan Army post. **SIX:** Upon arriving at the Nicaraguan Army post, a soldier told us that all passengers had to come off board, with the baggage, and identify ourselves. When we reached the post all of us presented our ID cards; however, the commander of the post gave instructions to a soldier, indicating that they had to go through all of the baggage, given that each one carried a bag with clothes and capes, due to the rain that was affecting the area at that time, and that they also had to check the bags with food, the women's purses and men's wallets. While this work was performed the commander of the post interrogated us, asking us where we worked and what was the goal of our trip. In answered that we were inhabitants of the area and members of an agro-tourism cooperative, and that we were going to check the tourism potential of a farm in Caño La Venada. The commander asked repeatedly whether we were employees of the Costa Rican Government. We reiterated that that was not the case, that we were farmers who resided in the area, and the Nicaraguan commander indicated that we had to provide a work ID otherwise we would not be able to navigate on San Juan River. After a while, the commander of the military post indicated that we would definitely not be able to pass through unless we were able to provide a work ID, and since we did not have one, we had to return to Costa

Rican territory. **SEVEN:** We returned to Boca de San Carlos, on Costa Rican territory, a little after ten in the morning. That is all which he wishes to testify. I advised the deponent of the legal value and transcendence of what he stated. I hereby issue a first testimony thereof. This document was read out loud, accepted by the deponent and signed in Alajuela, Pital de San Carlos, at twelve hours of July twenty-first two thousand fourteen.*****

WILLIAM VARGAS JIMENEZ *** GUSTAVO ARGUELLO HIDALGO *******

THE FOREGOING IS AN EXACT COPY OF DEED NUMBER ONE HUNDRED SEVENTY-EIGHT – NINE, VISIBLE AT THE BACK OF PAGE ONE HUNDRED FIFTY-SEVEN OF THIS NOTARY’S PROTOCOL. CHECKED AGAINST THE ORIGINAL, IT IS FOUND CORRECT, AND I ISSUE IT AS A FIRST TESTIMONY THEREOF IN THE SAME ACT OF GRANTING OF THE ORIGINAL.

(Signature)

GUSTAVO ALBERTO ARGUELLO HIDALGO

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NÚMERO CIENTO SETENTA Y OCHO -NUEVE: Ante mí **GUSTAVO ARGUELLO HIDALGO**, Notario Público con oficina en San José, San Pedro de Montes de Oca, Barrio Dent cincuenta metros al sur del Consejo Monetario Centroamericano en el Boulevard, y de paso por la localidad de Pital de San Carlos, comparece el señor **William Vargas Jimenez**, costarricense, mayor, casado una vez, agricultor, vecino de la Legua de Pital, de la provincia de Alajuela, portador de la cédula de identidad número: dos-doscientos noventa y siete-setecientos ochenta y seis, **Y DICE:** Que apercibido debidamente de las penas con que la ley castiga el perjurio y el falso testimonio, se presenta a declarar bajo fe de juramento lo siguiente: **PRIMERO:** Que forma parte de la Cooperativa de Servicios Ambientales y Agroecoturísticos, COOPEAGROTUR R. L., que se encuentra en proceso de inscripción ante el Registro Público, y cuyo fin es apoyar a los agricultores asociados con proyectos agroturísticos. **SEGUNDO:** Que coordinaron con Víctor Julio Vargas, quien es asociado, para efectuar un estudio sobre la viabilidad de desarrollar un proyecto agroturístico en la finca que él posee en la rivera costarricense del Río San Juan, en la zona de Caño La Venada, cercana al sector de Las Chorreras, en el distrito de Cutris, Cantón de San Carlos. **TERCERO:** Que se coordinó el viaje para el día veintiséis de junio de dos mil catorce desde Boca de San Carlos a la finca, utilizando los servicios de un botero, que fue contratado por el poseedor de la finca, quien nos llevaría por el Río San Juan hasta su destino en Caño La Venada. **CUARTO:** Que ese día, yo junto con otros miembros más de la cooperativa, nos encontramos con el botero aproximadamente a las nueve de la mañana y salimos de Boca de San Carlos. **QUINTO:** Que el botero nos indicó que debíamos cruzar el Río para reportarnos en el puesto del Ejército de Nicaragua. **SEXTO:** Al llegar al puesto del Ejército de Nicaragua, un soldado nos indicó que todos los pasajeros debíamos bajarnos, junto con todo nuestro equipaje e identificarnos. Al llegar al puesto, todos presentamos nuestras cédulas de identidad, no obstante, el comandante del puesto salió y dio instrucciones a un soldado, indicándole que debían registrar todo el equipaje, pues cada uno llevaba un maletín con ropa y capas, debido a las lluvias que afectaban esa zona en el momento, de igual manera debían revisar las bolsas que llevábamos con comida, los bolsos de las mujeres y las billeteras de los

GUSTAVO ALBERTO ARGUELLO HIDALGO



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hombres. También nos exigieron entregar los teléfonos celulares, que revisó un soldado. Mientras se llevaba a cabo esta labor, el comandante del puesto nos interrogaba sobre donde trabajábamos y cuál era el objetivo del viaje. Yo contesté que éramos agricultores, vecinos de la zona y miembros de una cooperativa de agroturismo, que íbamos a ver una finca en Caño la Venada de uno de los asociados. El comandante preguntaba reiteradamente si nosotros éramos funcionarios del gobierno de Costa Rica. Al reiterarle que no era así, sino que éramos agricultores residentes en la zona, el comandante nicaragüense nos indicó que debíamos aportar un carnet de trabajo y que de lo contrario no podíamos navegar por el Río San Juan. Después de un rato, el comandante del puesto militar nos indicó que definitivamente no podríamos pasar si no aportábamos el carnet de trabajo, y al no tenerlo, nos devolvieron nuestras pertenencias y tuvimos que regresar al bote y de vuelta al punto de partida. **SÉPTIMO:** Regresamos a Boca de San Carlos en territorio costarricense, poco después de las diez de la mañana. Es todo lo que desea declarar. Advertí al declarante del valor y trascendencia legales de sus manifestaciones. Emito un primer testimonio. Siendo leída la presente en voz alta, resulto conforme y firmamos en Alajuela, Pital de San Carlos, al ser las doce horas del veintiuno de julio de dos mil catorce. **** **WILLIAM VARGAS JIMENEZ** *** **GUSTAVO ARGUELLO HIDALDO** ****

LO ANTERIOR ES COPIA EXACTA DE LA ESCRITURA NÚMERO CIENTO SETENTA Y OCHO -NUEVE, VISIBLE AL FOLIO CIENTO CINCUENTA Y SIETE VUELTO, DEL TOMO NOVENO DEL PROTOCOLO DEL SUSCRITO NOTARIO. CONFRONTADA CON SU ORIGINAL RESULTO CONFORME Y LA EXPIDO COMO UN PRIMER TESTIMONIO EN EL MISMO ACTO DEL OTORGAMIENTO DE LA MATRIZ.

ANNEX 64

Affidavit of Ms. Mayela Vargas Arce, recorded by Notary Public,
Mr. Gustavo Arguello Hidalgo
Deed no. 179-9

21 July 2014

Translation

NUMBER ONE HUNDRED SEVENTY-NINE -NINE: Before me, GUSTAVO ARGUELLO HIDALGO, Notary Public with office in San José, San Pedro de Montes de Oca, Barrio Dent fifty metres south of the Consejo Monetario Centroamericano, at the Boulevard, passing through the town of Pital de San Carlos, appears Ms. **MAYELA VARGAS ARCE**, Costa Rican, of legal age, married once, pensioner, resident of Alajuela Province, El Ojoche de Pital de San Carlos, bearer of ID number two – zero three hundred forty-five – zero four hundred ninety-four, **AND INDICATES THAT:** Having knowledge of the penalties imposed by law for perjury and false testimony, he declares under oath that: **FIRST:** I am a member of Cooperativa de Servicios Ambientales y Agroecoturísticos, Coopeagrotur R. L., in process of registration before the Public Registry. **SECOND:** I coordinated with Mr. Victor Julio Vargas, a member of the cooperative, to perform a study on the feasibility of developing an agro-tourism project at the farm which he owns on the Costa Rican bank of San Juan River, in the area of Caño La Venada, near the sector of Las Chorreras, Cutris district, San Carlos canton. **THIRD:** I coordinated the trip for June twenty-six two thousand fourteen, using the services of a boat operator who was hired by the owner of the farm and would take us on San Juan River to our destination. **FOUR:** On June twenty-six two thousand fourteen, other members of the cooperative and I met with the boatman at approximately nine a.m. and left the pier of Boca de San Carlos a few minutes later. **FIVE:** The boatman indicated that we had to cross San Juan River to report ourselves at the Nicaraguan Army post. **SIX:** Upon arriving at the Nicaraguan Army post, a soldier told us that all passengers had to come off board, with the baggage, and identify ourselves. When we reached the post all of us presented our ID cards; however, the commander of the post gave instructions to a soldier, indicating that he had to record all of the baggage and check all bags in which we carried food, the women’s purses and men’s wallets. While this work was performed the commander of the post interrogated us, asking us where we worked and what was the goal of our trip. I answered that we were inhabitants of the area and members of an agro-tourism cooperative, and that we were going to check the tourism potential of a farm in Caño La Venada. The post commander became upset and responded “the tourism is ours!” The commander asked repeatedly whether we were employees of the Costa Rican Government. We reiterated that that was not the case, that we were mostly farmers who resided in the area, and he told us that we had to provide a work ID; otherwise we would not be able to pass through the river. After a while, he asked for our cell phones and tried to turn them on to verify their contents. Finally, after spending about one hour giving explanations so as to be allowed access on the river, the commander of the military post indicated that we would definitely not be able to pass through unless we were able to provide a work ID. Being unable to provide one, we had to return to Costa Rican territory. **SEVEN:** We returned to Boca de San Carlos, on Costa Rican territory, a little after ten in the morning. That is all she wishes to testify. I advised the deponent of the legal value and transcendence of what she stated. I hereby issue a first testimony thereof. This document was read out

loud, accepted by the deponent and signed in Alajuela, Pital de San Carlos, at thirteen hours of July
twenty-first two thousand fourteen. *****

MAYELA VARGAS ARCE *** GUSTAVO ARGUELLO HIDALGO *******

**THE FOREGOING IS AN EXACT COPY OF DEED NUMBER ONE HUNDRED SEVENTY-NINE -
NINE, VISIBLE AT THE BACK OF PAGE ONE HUNDRED FIFTY-EIGHT OF BOOK NINE OF THIS
NOTARY'S PROTOCOL. CHECKED AGAINST THE ORIGINAL, IT IS FOUND CORRECT, AND I
ISSUE IT AS A FIRST TESTIMONY THEREOF IN THE SAME ACT OF GRANTING OF THE
ORIGINAL.**

(Signature)

GUSTAVO ALBERTO ARGUELLO HIDALGO

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NÚMERO CIENTO SETENTA Y NUEVE-NUEVE: Ante mí **GUSTAVO ARGUELLO HIDALGO**, Notario Público con oficina en San José, San Pedro de Montes de Oca, Barrio Dent cincuenta metros al sur del Consejo Monetario Centroamericano en el Boulevard, y de paso por la localidad de Pital de San Carlos, comparece la señora **MAYELA VARGAS ARCE**, costarricense, mayor, casada una vez, pensionada, vecina de la provincia de Alajuela, El Ojoché de Pital de San Carlos, portadora de la cédula de identidad número dos – cero trescientos cuarenta y cinco – cero cuatrocientos noventa y cuatro **Y DICE:** Que apercibida debidamente de las penas con que la ley castiga el perjurio y el falso testimonio, se presenta a declarar bajo fe de juramento lo siguiente:

PRIMERO: Que soy miembro de la Cooperativa de Servicios Ambientales y Agroecoturísticos, COOPEAGROTUR R. L., en proceso de inscripción ante el Registro Público. **SEGUNDO:** Que me puse de acuerdo con el señor Víctor Julio Vargas, que es asociado de la cooperativa, para efectuar un estudio sobre la viabilidad de desarrollar un proyecto agroturístico en la finca que él posee en la rivera costarricense del Río San Juan, en la zona de Caño La Venada, cercana al sector de Las Chorreras, en el distrito de Cutris, Cantón de San Carlos. **TERCERO:** Que yo coordiné el viaje para el día veintiséis de junio de dos mil catorce, para viajar desde Boca de San Carlos a la finca, utilizando los servicios de un botero, que fue contratado por el poseedor de la finca, quien nos llevaría por el Río San Juan hasta nuestro destino. **CUARTO:** Que el día veintiséis de junio de dos mil catorce, yo junto con otros miembros más de la cooperativa, nos encontramos con el botero aproximadamente a las nueve de la mañana y salimos del atracadero en Boca de San Carlos pocos minutos después. **QUINTO:** Que el botero nos indicó que debíamos cruzar el Río San Juan para reportarnos en el puesto del Ejército de Nicaragua. **SEXTO:** Al llegar al puesto del Ejército de Nicaragua, un soldado nos indicó que todos los pasajeros que debíamos bajarnos, junto con todo el equipaje e identificarnos. Al llegar al puesto, todos presentamos las cédulas de identidad, no obstante, el comandante del puesto dio instrucciones a un soldado, indicando que debía registrar todo el equipaje, de igual manera debía revisar las bolsas que llevábamos con comida, los bolsos de las mujeres y las billeteras de los hombres. Mientras se llevaba a cabo esta labor, el comandante

GUSTAVO ALBERTO ARGUELLO HIDALGO

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del puesto me interrogaba a mí y a los otros miembros, preguntando en donde trabajábamos y cuál era el objetivo del viaje. Contesté que éramos vecinos de la zona y miembros de una cooperativa de agroturismo, que íbamos a ver el potencial turístico de una finca en Caño la Venada. El comandante del puesto se molestó y respondió en ese momento "el turismo es de nosotros!". El comandante preguntaba con frecuencia si éramos funcionarios del Gobierno de Costa Rica. Al reiterarle que no era así, sino que la mayoría éramos agricultores residentes en la zona, nos indicó que debíamos aportar un carnet de trabajo y que de lo contrario no podríamos pasar por el río. Después de un rato, nos pidió los teléfonos celulares y trató de encenderlos para verificar el contenido de los mismos. Finalmente, y al haber pasado aproximadamente casi una hora de estar dando explicaciones con el fin de que se nos permitiera el paso por el Río, el comandante del puesto militar indicó que definitivamente no podríamos pasar hasta que no aportáramos un carnet de trabajo. Al no poder aportar uno, porque en Costa Rica no se emite ese tipo de documento, tuvimos que regresar a territorio de Costa Rica. **SETIMO:** Que regresamos a Boca de San Carlos en territorio costarricense, poco después de las diez de la mañana. Es todo lo que desea declarar. Advertí a la declarante del valor y trascendencia legales de sus manifestaciones. Emito un primer testimonio. Siendo leída la presente en voz alta, resulto conforme y firmamos en Alajuela, Pital de San Carlos, al ser las trece horas del veintiuno de julio de dos mil tatorce. **** MAYELA VARGAS ARCE *** GUSTAVO ARGUELLO HIDALDO *****

LO ANTERIOR ES COPIA EXACTA DE LA ESCRITURA NÚMERO CIENTO SETENTA Y NUEVE -NUEVE, VISIBLE AL FOLIO CIENTO CINCUENTA Y OCHO VUELTO DEL TOMO NOVENO DEL PROTOCOLO DEL SUSCRITO NOTARIO. CONFRONTADA CON SU ORIGINAL RESULTO CONFORME Y LA EXPIDO COMO UN PRIMER TESTIMONIO EN EL MISMO ACTO DEL OTORGAMIENTO DE LA MATRIZ.

ANNEX 65

Affidavit of Ms. Gabriela Vanessa Lopez Gomez, recorded by Notary
Public, Mr. Gustavo Arguello Hidalgo
Deed no. 189-9

21 July 2014

English Translation and Spanish Original

Translation

NUMBER ONE HUNDRED EIGHTY-NINE: Before me, GUSTAVO ARGUELLO HIDALGO, Notary Public with office in San José, San Pedro de Montes de Oca, Barrio Dent fifty metres south of the Consejo Monetario Centroamericano, at the Boulevard, passing through the town of Pital de San Carlos, appears Ms. **GABRIELA VANESSA LOPEZ GOMEZ**, Costa Rican, of legal age, single, student, resident of Alajuela Province, at el Saíno de Pital de San Carlos, bearer of ID number two – six hundred seventy-nine – three hundred fifty- two, **AND INDICATES THAT:** Having knowledge of the penalties imposed by law for perjury and false testimony, he declares under oath that: **FIRST:** I am a member of Cooperativa de Servicios Ambientales y Agroecoturísticos, Coopeagrotur R. L., in process of registration before the Public Registry. **SECOND:** It was coordinated with Mr. Victor Julio Vargas, a member of the cooperative, to perform a study on the feasibility of developing an agro-tourism project at the farm which he owns on the Costa Rican bank of San Juan River, in the area of Caño La Venada, near the sector of Las Chorreras, Cutris district, San Carlos canton. **THIRD:** The trip was coordinated for June twenty-six two thousand fourteen, using the services of a boat operator who was hired by the owner of the farm and would take us on San Juan River to our destination. **FOUR:** On June twenty-six two thousand fourteen, other members of the cooperative and I met with the boatman at approximately nine a.m. and left the pier of Boca de San Carlos a few minutes later. **FIVE:** The boatman indicated that we had to cross San Juan River to report ourselves at the Nicaraguan Army post. **SIX:** Upon arriving at the Nicaraguan Army post, a soldier told us that all passengers had to come off board, with the baggage, and identify ourselves. When we reached the post all of us presented our ID cards; however, the commander of the post gave instructions to a soldier, indicating that he had to record all of the baggage and check all bags in which we carried food, the women’s purses and men’s wallets. While this work was performed the commander of the post interrogated us, asking us where we worked and what was the goal of our trip. We responded that we were inhabitants of the area and members of an agro-tourism cooperative, and that we were going to check the tourism potential of a farm in Caño La Venada. When checking my purse the commander took out my student ID for Universidad Hispanoamericana de Costa Rica, and started to accuse me that I was an employee of the Costa Rican Government, to which I responded that no, I was a student, as indicated in the ID. The commander continued asking repeatedly whether I was an employee of the Costa Rican Government; I reiterated that that was not the case, that we were mostly farmers who resided in the area, and he told us that we had to provide a work ID, otherwise we would not be able to pass through San Juan River. After a while, he asked for our cell phones and tried to turn them on to verify their contents. Finally, after spending about one hour giving explanations so as to be allowed access on the river, the commander of the military post indicated that we would definitely not be able to pass through unless we were able to provide a work ID. Being unable to provide one, we had to return to Costa Rican territory. **SEVEN:** We returned to Boca de San Carlos, on Costa Rican territory, a

little after ten in the morning. That is all she wishes to testify. I advised the deponent of the legal value and transcendence of what she stated. I hereby issue a first testimony thereof. This document was read out loud, accepted by the deponent and signed in Alajuela, Pital de San Carlos, at fourteen hours of July twenty-first two thousand fourteen.*****

**** **GABRIELA VANESSA LOPEZ GOMEZ** ***** **GUSTAVO ARGUELLO HIDALGO**
THE FOREGOING IS AN EXACT COPY OF DEED NUMBER ONE HUNDRED EIGHTY-NINE, VISIBLE AT THE BACK OF PAGE ONE HUNDRED FIFTY-NINE OF BOOK NINE OF THIS NOTARY'S PROTOCOL. CHECKED AGAINST THE ORIGINAL, IT IS FOUND CORRECT, AND I ISSUE IT AS A FIRST TESTIMONY THEREOF IN THE SAME ACT OF GRANTING OF THE ORIGINAL.

(Signature)

GUSTAVO ALBERTO ARGUELLO HIDALGO

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NÚMERO CIENTO OCHENTA-NUEVE: Ante mí **GUSTAVO ARGUELLO HIDALGO**, Notario Público con oficina en San José, San Pedro de Montes de Oca, Barrio Dent cincuenta metros al sur del Consejo Monetario Centroamericano en el Boulevard, y de paso por la localidad de Pital de San Carlos, comparece la señorita **GABRIELA VANESSA LOPEZ GOMEZ**, costarricense, mayor, soltera, estudiante, vecina de la provincia de Alajuela, en el Saíno de Pital de San Carlos, portadora de la cédula de identidad número dos – seiscientos setenta y nueve – trescientos cincuenta y dos, Y **DICE:** Que apercibida debidamente de las penas con que la ley castiga el perjurio y el falso testimonio, se presenta a declarar bajo fe de juramento lo siguiente: **PRIMERO:** Que soy miembro de la Cooperativa de Servicios Ambientales y Agroecoturísticos, COOPEAGROTUR R. L., en proceso de inscripción ante el Registro Público. **SEGUNDO:** Que se coordinó con el señor Víctor Julio Vargas, que es asociado de la cooperativa, para efectuar un estudio sobre la viabilidad de desarrollar un proyecto agroturístico en la finca que él posee en la rivera costarricense del Río San Juan, en la zona de Caño La Venada, cercana al sector de Las Chorreras, en el distrito de Cutris, Cantón de San Carlos. **TERCERO:** Que se coordinó el viaje para el día veintiséis de junio de dos mil catorce, para viajar desde Boca de San Carlos a la finca, utilizando los servicios de un botero, que fue contratado por el poseedor de la finca, quien nos llevaría por el Río San Juan hasta nuestro destino. **CUARTO:** Que el día veintiséis de junio de dos mil catorce, yo junto con otros miembros más de la cooperativa, nos encontramos con el botero aproximadamente a las nueve de la mañana y salimos del atracadero en Boca de San Carlos pocos minutos después. **QUINTO:** Que el botero nos indicó que debíamos cruzar el Río San Juan para reportarnos en el puesto del Ejército de Nicaragua. **SEXTO:** Al llegar al puesto del Ejército de Nicaragua, un soldado nos indicó que todos los pasajeros que debíamos bajarnos, junto con todo el equipaje e identificarnos. Al llegar al puesto, todos presentamos las cédulas de identidad, no obstante, el comandante del puesto dio instrucciones a un soldado, indicando que debía registrar todo el equipaje, de igual manera debía revisar las bolsas que llevábamos con comida, los bolsos de las mujeres y las billeteras de los hombres. Mientras se llevaba a cabo esta labor, el comandante del puesto nos interrogaba,

GUSTAVO ALBERTO ARGUELLO HIDALGO



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preguntando en donde trabajábamos y cuál era el objetivo del viaje. Contesté que era vecina de la zona y miembro de una cooperativa de agroturismo, que íbamos a ver el potencial turístico de una finca en Caño la Venada. Al revisar mi cartera, el comandante sustrajo mi carné de estudiante de la Universidad Hispanoamericana de Costa Rica, y empezó a acusarme de que yo era funcionaria del Gobierno de Costa Rica, a lo que respondí que no era, sino una estudiante, como se demuestra en el carné. El comandante continuaba preguntando con frecuencia si era funcionaria del Gobierno de Costa Rica. Al reiterarle que no era así, sino que la mayoría éramos agricultores residentes en la zona, y en mi caso estudiante, nos indicó que debíamos aportar un carnet de trabajo y que de lo contrario no podríamos pasar por el río San Juan. Después de un rato, nos pidió los teléfonos celulares y trató de encenderlos para verificar el contenido de los mismos. Finalmente, y al haber pasado casi una hora de estar dando explicaciones con el fin de que se nos permitiera el paso por el Río, el comandante del puesto militar indicó que definitivamente no podríamos pasar hasta que no aportáramos un carnet de trabajo. Al no poder aportar uno, porque en Costa Rica no se emite ese tipo de documento, tuvimos que regresar a territorio de Costa Rica. **SETIMO:** Que regresamos a Boca de San Carlos en territorio costarricense, poco después de las diez de la mañana. Es todo lo que desea declarar. Advertí a la declarante del valor y trascendencia legales de sus manifestaciones. Emito un primer testimonio. Siendo leída la presente en voz alta, resulto conforme y firmamos en Alajuela, Pital de San Carlos, al ser las catorce horas del veintiuno de julio de dos mil catorce. *****

**** GABRIELA VANESSA LOPEZ GOMEZ ** GUSTAVO ARGUELLO HIDALDO ***
 LO ANTERIOR ES COPIA EXACTA DE LA ESCRITURA NÚMERO CIENTO OCHENTA-NUEVE, VISIBLE AL FOLIO CIENTO CINCUENTA Y NUEVE VUELTO DEL TOMO NOVENO DEL PROTOCOLO DEL SUSCRITO NOTARIO. CONFRONTADA CON SU ORIGINAL RESULTO CONFORME Y LA EXPIDO COMO UN PRIMER TESTIMONIO EN EL MISMO ACTO DEL OTORGAMIENTO DE LA MATRIZ.

ANNEX 66

Affidavit of Mr. Claudio Arce Rojas, recorded by Notary Public,
Mr. Gustavo Arguello Hidalgo
Deed no. 181-9

21 July 2014

English Translation and Spanish Original

Translation

NUMBER ONE HUNDRED EIGHTY-ONE –NINE: Before me, GUSTAVO ARGUELLO HIDALGO, Notary Public with office in San José, San Pedro de Montes de Oca, Barrio Dent fifty metres south of the Consejo Monetario Centroamericano, at the Boulevard, passing through the town of Pital de San Carlos, appears Mr. **CLAUDIO ARCE ROJAS**, Costa Rican, of legal age, married, farmer, resident of Alajuela Province, Boca Tapada de Pital de San Carlos, bearer of ID number two – two-hundred ninety-nine – five hundred forty-five, **AND INDICATES THAT:** Having knowledge of the penalties imposed by law for perjury and false testimony, he declares under oath that: **FIRST:** I am a member of Cooperativa de Servicios Ambientales y Agroecoturísticos, Coopeagrotur R. L., in process of registration before the Public Registry. **SECOND:** It was coordinated with Mr. Victor Julio Vargas, a member of the cooperative, to perform a study on the feasibility of developing an agro-tourism project at the farm which he owns on the Costa Rican bank of San Juan River, in the area of Caño La Venada, near the sector of Las Chorreras, Cutris district, San Carlos canton. **THIRD:** The trip was coordinated for June twenty-six two thousand fourteen, using the services of a boat operator who was hired by the owner of the farm and would take us on San Juan River to the farm. **FOUR:** On June twenty-six two thousand fourteen, other members of the cooperative and I met with the boatman at approximately nine a.m. and left the pier of Boca de San Carlos a few minutes later. **FIVE:** The boatman indicated that we had to cross San Juan River to report ourselves at the Nicaraguan Army post. **SIX:** Upon arriving at the Nicaraguan Army post, a soldier told us that all passengers had to come off board, with the baggage, and identify ourselves. When we reached the post all of us presented our ID cards; however, the commander of the post gave instructions to a soldier, indicating that he had to record all of the baggage and check all bags in which we carried food, the women’s purses and men’s wallets. While this work was performed the commander of the post interrogated us, asking us where we worked and what was the goal of our trip. We responded that we were inhabitants of the area and members of an agro-tourism cooperative, and that we were going to check the tourism potential of a farm in Caño La Venada. The commander asked repeatedly whether we were employees of the Costa Rican Government; we reiterated that that was not the case, that we were farmers who resided in the area, and he indicated that we had to provide a work ID otherwise we would not be able to pass through San Juan River. After a while, he asked

for our cell phones and tried to turn them on to verify their contents. Finally, after spending about one hour giving explanations so as to be allowed access on the river, the commander of the military post indicated that we would definitely not be able to pass through unless we were able to provide a work ID. Being unable to provide one, we had to return to Costa Rican territory. **SEVEN:** We returned to Boca de San Carlos, on Costa Rican territory, a little after ten in the morning. **EIGHT:** In my case, this is not the first time that I experience this type of problem. On one occasion, in spite of paying a boat operator, I was detained by members of the Nicaraguan Army, claiming that it was forbidden for Costa Ricans to navigate on San Juan River. That is all which he wishes to testify. I advised the deponent of the legal value and transcendence of what he stated. I hereby issue a first testimony thereof. This document was read out loud, accepted by the deponent and signed in Alajuela, Pital de San Carlos, at fifteen hours of July twenty-first two thousand fourteen.*****

CLAUDIO ARCE ROJAS *** GUSTAVO ARGUELLO HIDALGO *******
THE FOREGOING IS AN EXACT COPY OF DEED NUMBER ONE HUNDRED EIGHTY-ONE – NINE, VISIBLE AT THE BACK OF PAGE ONE HUNDRED SIXTY OF BOOK NINE OF THIS NOTARY’S PROTOCOL. CHECKED AGAINST THE ORIGINAL, IT IS FOUND CORRECT, AND I ISSUE IT AS A FIRST TESTIMONY THEREOF IN THE SAME ACT OF GRANTING OF THE ORIGINAL.

(Signature)

GUSTAVO ALBERTO ARGUELLO HIDALGO

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NÚMERO CIENTO OCHENTA Y UNO-NUEVE: Ante mí **GUSTAVO ARGUELLO HIDALGO**, Notario Público con oficina en San José, San Pedro de Montes de Oca, Barrio Dent cincuenta metros al sur del Consejo Monetario Centroamericano en el Boulevard, y de paso por la localidad de Pital de San Carlos, comparece **CLAUDIO ARCE ROJAS**, costarricense, mayor, casado una vez, agricultor, vecino de la provincia de Alajuela, de Boca Tapada de Pital de San Carlos, portador de la cédula de identidad número dos – doscientos noventa y nueve – quinientos cuarenta y cinco, **Y DICE:** Que apercibido debidamente de las penas con que la ley castiga el perjurio y el falso testimonio, se presenta a declarar bajo fe de juramento lo siguiente: **PRIMERO:** Que soy miembro de la *Cooperativa de Servicios Ambientales y Agroecoturísticos, COOPEAGROTUR R. L.*, en proceso de inscripción ante el Registro Público. **SEGUNDO:** Que se coordinó con el señor Víctor Julio Vargas, que es asociado de la cooperativa, para efectuar un estudio sobre la viabilidad de desarrollar un proyecto agroturístico en la finca que él posee en la rívera costarricense del Río San Juan, en la zona de Caño La Venada, cercana al sector de Las Chorreras, en el distrito de Cutris, Cantón de San Carlos. **TERCERO:** Que se coordinó el viaje para el día veintiséis de junio de dos mil catorce, para viajar desde Boca de San Carlos a la finca, utilizando los servicios de un botero, que fue contratado por el poseedor de la finca, quien nos llevaría por el Río San Juan hasta la finca. **CUARTO:** Que el día veintiséis de junio de dos mil catorce, yo junto con otros miembros más de la cooperativa, nos encontramos con el botero aproximadamente a las nueve de la mañana y salimos del atracadero en Boca de San Carlos pocos minutos después. **QUINTO:** Que el botero nos indicó que debíamos cruzar el Río San Juan para reportarnos en el puesto del Ejército de Nicaragua. **SEXTO:** Al llegar al puesto del Ejército de Nicaragua, un soldado nos indicó que todos los pasajeros debíamos bajar, junto con todo el equipaje e identificarnos. Al llegar al puesto, todos presentamos las cédulas de identidad, no obstante, el comandante del puesto dio instrucciones a un soldado, indicando que debía registrar todo el equipaje, de igual manera debía revisar las bolsas que llevábamos con comida, los bolsos de las mujeres y las billeteras de los hombres. Mientras se llevaba a cabo esta labor, el comandante del puesto nos interrogaba, preguntando en donde

GUSTAVO ALBERTO ARGUELLO HIDALGO



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trabajábamos y cuál era el objetivo del viaje. Contestamos que éramos vecinos de la zona y miembro de una cooperativa de agroturismo, que íbamos a ver el potencial turístico de una finca en Caño la Venada. El comandante preguntaba con frecuencia si éramos funcionarios del Gobierno de Costa Rica. Al reiterarle que no era así, sino que la mayoría éramos agricultores residentes en la zona, nos indicó que debíamos aportar un carnet de trabajo y que de lo contrario no podríamos pasar por el río San Juan. Después de un rato, nos pidió los teléfonos celulares y trató de encenderlos para verificar el contenido de los mismos. Finalmente, y al haber pasado casi una hora de estar dando explicaciones con el fin de que se nos permitiera el paso por el Río, el comandante del puesto militar indicó que definitivamente no podríamos pasar hasta que no aportáramos un carnet de trabajo. Al no poder aportar uno, tuvimos que regresar a territorio de Costa Rica. **SETIMO:** Regresamos a Boca de San Carlos en territorio costarricense, poco después de las diez de la mañana. **OCTAVO:** En mi caso, ésta no es la primera vez que experimento este tipo de problema. En una ocasión, a pesar de pagar a un botero, fui detenido por miembros del Ejército de Nicaragua, alegando que estaba prohibido a costarricenses la navegación por el Río San Juan. Es todo lo que desea declarar. Advertí al declarante del valor y trascendencia legales de sus manifestaciones. Emito un primer testimonio. Siendo leída la presente en voz alta, resulto conforme y firmamos en Alajuela, Pital de San Carlos, al ser las quince horas del veintiuno de julio de dos mil catorce. *****

***** **GABRIELA VANESSA LOPEZ GOMEZ ** GUSTAVO ARGUELLO HIDALDO *****
LO ANTERIOR ES COPIA EXACTA DE LA ESCRITURA NÚMERO CIENTO OCHENTA Y UNO-NUEVE, VISIBLE AL FOLIO CIENTO SESENTA VUELTO DEL TOMO NOVENO DEL PROTOCOLO DEL SUSCRITO NOTARIO. CONFRONTADA CON SU ORIGINAL RESULTO CONFORME Y LA EXPIDO COMO UN PRIMER TESTIMONIO EN EL MISMO ACTO DEL OTORGAMIENTO DE LA MATRIZ.

ANNEX 67

Affidavit of Mr. Ruben Francisco Valerio Arroyo, recorded by Notary
Public, Mr. Gustavo Arguello Hidalgo
Deed no. 194-9

9 October 2014

English Translation and Spanish Original

Translation

NUMBER ONE HUNDRED NINETY-FOUR -NINE: Before me, **GUSTAVO ARGUELLO HIDALGO**, Notary Public with office in San José, San Pedro de Montes de Oca, Barrio Dent fifty metres south of the Consejo Monetario Centroamericano, at the Boulevard, passing through the town of Los Chiles de San Carlos, appears Mr. **RUBEN FRANCISCO VALERIO ARROYO**, Costa Rican, of legal age, single, farmer, resident of Alajuela province, Chorreras de Cutris, bearer of ID number **TWO-SEVEN HUNDRED TWENTY-SIX – ZERO SEVENTY. AND INDICATES THAT:** Having knowledge of the penalties imposed by law for perjury and false testimony, he declares under oath that: **FIRST:** I am a farmer and I live in the area of Chorreras de Cutris, at a property adjacent to San Juan River, and I have lived here my whole life, meaning twenty years. **SECOND:** That in spite of actions taken in the past to build a road to create access between this place and Boca de San Carlos, which is the nearest town, these works were suspended; therefore, currently there is no access by land between the two locations, and the only way for quick access for those who live on the Costa Rican bank of the river is navigation through San Juan River. **THIRD:** That on February second, two thousand and thirteen, I was navigating on a boat property of my uncle, Nelson Valerio Corella, who also lives on the right bank of San Juan River, toward Boca de San Carlos. When I went to report to the post of the Nicaraguan Army, along with my uncle, we were forced to get out of the boat, and we were detained for approximately three hours, without any explanation. **FOURTH:** After being detained for a while, one of the soldiers of the Nicaraguan army forced me to pull down my pants, allegedly to search me, and kept me like that for ten minutes. He asked for my wallet and checked its contents while he kept me with my pants below the knees. In spite of the humiliation I felt, I had no other option, since the soldier threatened to leave me detained. **FIFTH:** After about three hours at the Nicaraguan Army's post, the same soldier told me that he would set us free if I went to the Costa Rican side to buy food and soft drinks for four persons, which I had to do so that they would let us go. After buying them food, using our own money, and giving it to them at the post, they set us free. **SIXTH:** Before what occurred that day, every time we reach the Nicaraguan Army post we have always treated very poorly, they intimidate us, but on this occasion they made us incur in humiliating acts. That is all I wish to testify. I advised the deponent of the legal value and transcendence of what he stated. I hereby issue a first testimony thereof. This document was read out loud, accepted by the deponent and signed in Los Chiles de Alajuela, at **ten forty-five a.m. of October nine**, two thousand fourteen.*****

*******RUBEN FRANCISCO VALERIO ARROYO ***** G. ARGUELLO HIDALGO******* THE FOREGOING IS AN EXACT COPY OF DEED NUMBER ONE HUNDRED NINETY-FOUR -NINE, **VISIBLE AT THE BACK OF PAGE ONE HUNDRED SEVENTY-ONE OF**

BOOK NINE OF THIS NOTARY'S PROTOCOL. CHECKED AGAINST THE ORIGINAL, IT IS FOUND CORRECT, AND I ISSUE IT AS A FIRST TESTIMONY THEREOF IN THE SAME ACT OF GRANTING OF THE ORIGINAL.

(Signature)

(Stamps)

NÚMERO CIENTO NOVENTA Y CUATRO -NUEVE: Ante mí **GUSTAVO ARGUELLO HIDALGO**, Notario Público con oficina en San José, San Pedro de Montes de Oca, Barrio Dent cincuenta metros al sur del Consejo Monetario Centroamericano en el Boulevard, y de paso por la localidad de Los Chiles de San Carlos, comparece el señor **RUBEN FRANCISCO VALERIO ARROYO**, costarricense, mayor, soltero, agricultor, vecino de la provincia de Alajuela, en Chorreras de Cutris, portador de la cédula de identidad **DOS – SETECIENTOS VEINTISEIS – CERO SETENTA. Y DICE:** Que apercibido debidamente de las penas con que la ley castiga el perjurio y el falso testimonio, se presenta a declarar bajo fe de juramento lo siguiente: **PRIMERO:** Que soy agricultor y vivo en la zona de Chorreras de Cutris, en una propiedad adyacente al Río San Juan, y tengo toda mi vida de vivir en ese lugar, es decir, unos veinte años. **SEGUNDO:** Que a pesar de acciones que se tomaron en el pasado para construir una ruta de acceso entre ese lugar, y Boca de San Carlos, que es el pueblo más próximo, esos trabajos se suspendieron y por lo tanto no existe en la actualidad acceso terrestre entre ambas localidades, por lo que la única forma de acceso expedito para quienes vivimos en la margen costarricense del río, es la navegación por el Río San Juan. **TERCERO:** Que el día dos de febrero del año dos mil trece, navegué en una embarcación de un tío mío, de nombre Nelson Valerio Corella, que también vive de la margen derecha del río San Juan, hacia Boca de San Carlos. Al pasar a reportarme al puesto del Ejército de Nicaragua, junto con mi tío, se nos obligó a bajarnos de la embarcación, y se nos detuvo por aproximadamente tres horas sin que se nos diera ninguna explicación. **CUARTO:** Luego de un rato de estar detenidos, uno de los soldados del ejército de Nicaragua me obligó a bajarme mis pantalones, supuestamente para requisarme, manteniéndome así por espacio de unos diez minutos. Me pidió mi billetera y revisó su contenido mientras me mantenía con los pantalones más abajo del nivel de las rodillas. A pesar de la humillación que sentí, no tuve otra opción que hacerlo pues el soldado me amenazó con dejarme detenido. **QUINTO:** Luego de unas tres horas en el puesto del ejército de Nicaragua, el mismo soldado me dijo que nos liberaba si yo iba al lado costarricense a comprarle comida y gaseosas para cuatro personas, lo cual tuve que hacer, para que así nos dejaran en

GUSTAVO ALBERTO ARGUELLO HIDALGO

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libertad. Luego de comprarles la comida, de nuestro propio dinero, y entregárselas en el puesto, nos dejaron en libertad. **SEXTO:** Anteriormente a lo que pasó ese día, al llegar al puesto del Ejército de Nicaragua, siempre se nos ha tratado muy mal, y se nos atemoriza, pero en esta ocasión se nos hizo incurrir en actos humillantes. Es todo lo que deseo declarar. Advertí al declarante del valor y trascendencia legales de sus manifestaciones. Emito un primer testimonio. Siendo leída la presente en voz alta, resulto conforme y firmamos en Los Chiles de Alajuela, al ser las diez horas y cuarenta y cinco minutos del nueve de octubre de dos mil catorce. *****

***** RUBEN FRANCISCO VALERIO ARROYO *** G. ARGUELLO H. *****

LO ANTERIOR ES COPIA EXACTA DE LA ESCRITURA NÚMERO CIENTO NOVENTA Y CUATRO -NUEVE, VISIBLE AL FOLIO CIENTO SETENTA Y UNO VUELTO DEL TOMO NOVENO DEL PROTOCOLO DEL SUSCRITO NOTARIO. CONFRONTADA CON SU ORIGINAL RESULTO CONFORME Y LA EXPIDO COMO UN PRIMER TESTIMONIO EN EL MISMO ACTO DEL OTORGAMIENTO DE LA MATRIZ.



ANNEX 68

La Nación (Costa Rica), ‘Costa Ricans denounce mistreatment and detentions in the northern border’, 3 August 2014, available at http://www.nacion.com/nacional/gobierno/Caos-frontera-provoca-detenciones-costarricenses_0_1430656995.html

3 August 2014

English Translation and Spanish Original

LA NACIÓN

http://www.nacion.com/nacional/gobierno/Caos-frontera-provoca-detenciones-costarricenses_0_1430656995.html

Terrible condition of the road and lack of signposting creates problems for nationals

Costa Ricans denounce mistreatment and detentions in the northern border

BY Carlos Hernández - updated on 3 August 2014, at: 12:11 am

- Eight Costa Ricans were detained in two months, when passing through the border area
- Residents claim that the conflict over Isla Calero changed the mood of the Nicaraguan police



Quebrada Venadita rivulet, near Chorreras, in Cutris de San Carlos, washed away a log bridge on the border road, forcing residents to use San Juan River to move around. The locals say that this situation exposes them to the ill-treatment of Nicaraguan officials. | CARLOS HERNANDEZ

San Carlos, northern border area. Whether due to political tension or lack of maintenance and demarcation of the border, Costa Rican citizens have expressed that they are subject to pressures and ill-treatment by Nicaraguan law enforcement officials.

In addition, the terrible conditions of the border road force the locals to use San Juan River to move around the area, leaving them at the mercy of the attitude of the Nicaraguan border officers posted there, which is sometimes whimsical, according to the witnesses.

On June 26, a group of Nicaraguan soldiers prevented nine members of an agro-tourism cooperative from Boca Tapada to navigate on San Juan to travel to Chorreras de Cutris to visit a project of that nature.

The officers posted at a checkpoint in front of San Juan River, at the height of Boca San Carlos de Pital, demanded that they present a work permit. According to the affected individuals this was the first time that such permit was requested of them.

Almost one month later, on 19 July, at the same checkpoint, the same military officers detained two residents of Cureña de Sarapiquí, who report to that same point every day to move goods across the border river.

In addition to these two incidents there is a more recent one, which occurred only 10 days later, on July 29, when six members of the Environmental Administrative Court were captured by two Nicaraguan soldiers, who caught them entering their country's territory by mistake.

Officials lost their phone's GPS signal, which caused them to lose their location.

The detainees claimed that they did not see the dividing marker on the land where they were verifying environmental damage.

The farmers and Costa Rican officials living in the border area complain of a tightening of controls by the Nicaraguan authorities.

Politics and neglect. "Since the conflict over Isla Calero broke out, they became very strict. We cannot ask for explanations, since they threaten us with jail," says Roberto González, resident of San Isidro de Pocosol.

José Ortega, from Punta Cortés de Los Chiles, expresses that he feels afraid even if he's on the Costa Rican side.

"I feel afraid of approaching the boundary, because at the least expected moment, soldiers from the other side will capture me saying that I violated the sovereignty of their country," he said.

The problem is that the border is practically invisible. The main markers and intermediate points of reference are covered by undergrowth; there is no maintenance and the points of reference are eventually lost, and neither government does anything.

Since 2005, when Costa Rica filed suit against Nicaragua before the International Court of Justice in The Hague to clarify the navigation rights on San Juan River, the efforts by both countries to establish order in the border area died out.

This situation worsens the confusion of the inhabitants. For example, in the sector of El Manzano, near Méjico de Upala, there is a stone path that leads to Papaturo of Nicaragua. There is nothing there to indicate where the Costa Rican territory ends and where Nicaraguan territory begins.

Barely 20 metres from the edge of the road, a boundary stone covered by grassland is an invisible sign and, therefore, a trap.

"If it is not for the neighbors, who warn you, you would unintentionally pass the border, exposing yourself to detention," indicated Juan González, corn producer.

González asks for informational signs to be installed to avoid the confusion and, thus, incidents.

LA NACIÓN

http://www.nacion.com/nacional/gobierno/Caos-frontera-provoca-detenciones-costarricenses_0_1430656995.html

Pésimo estado de trocha y falta de señalización mete en problemas a nacionales

Ticos denuncian sufrir maltrato y detenciones en frontera norte

POR Carlos Hernández - Actualizado el 3 de agosto de 2014 a: 12:11 a.m.

- Ocho ticos fueron retenidos en dos meses, al transitar por la zona limítrofe
- Vecinos alegan que conflicto por isla Calero cambió el ánimo de Policía nica



La quebrada Venadita, cerca de Chorreras, en Cutris de San Carlos, se llevó un puente de tucas sobre la trocha fronteriza, lo que obliga a los vecinos a utilizar el río San Juan para trasladarse. Esta situación los expone a malos tratos de oficiales nicaragüenses, dicen los lugareños. | CARLOS HERNÁNDEZ

San Carlos, Frontera Norte. Ya sea por la tensión política o por la falta de mantenimiento y demarcación de la frontera, los ciudadanos costarricenses manifiestan ser objeto de presiones y malos tratos por parte de autoridades policiales de Nicaragua.

A esto se suman las pésimas condiciones de la trocha fronteriza, lo que obliga a los lugareños a utilizar el río San Juan para desplazarse por la zona, quedando a merced de la actitud, a veces caprichosa, según testigos, de los oficiales fronterizos nicaragüenses destacados allí.

El 26 de junio, un grupo de militares nicaragüenses le impidió a nueve miembros de una cooperativa agroturística de Boca Tapada navegar por el río San Juan para trasladarse hasta Chorreras de Cutris, con el fin de visitar un proyecto de esa índole.

Los oficiales destacados en un puesto de control frente al San Juan, a la altura de Boca San Carlos de Pital, les exigieron un carné de trabajo; un requisito que, según los afectados, era la primera vez que se les pedía.

Casi un mes después, el 19 de julio, en el mismo puesto de control, los mismos militares detuvieron a dos vecinos de Cureña de Sarapiquí, quienes todos los días se reportan a ese mismo punto para trasladar mercancía por el río fronterizo.

Estos dos incidentes se suman al más reciente, ocurrido solo 10 días después, el 29 de julio, cuando seis miembros del Tribunal Ambiental Administrativo fueron capturados por dos soldados nicaragüenses, quienes los sorprendieron ingresando a territorio de su país por error.

Los funcionarios extraviaron la señal GPS del teléfono, lo que provocó que perdieran su ubicación en el lugar.

Los detenidos alegaron no haber visto el mojón divisorio, en el terreno donde verificaban daños ambientales.

Los campesinos y funcionarios costarricenses que viven en la zona limítrofe se quejan de un endurecimiento en los controles por parte de las autoridades nicaragüenses.

Política y descuido. “Desde que reventó el conflicto por isla Calero se pusieron muy estrictos. No podemos pedir explicaciones, pues nos amenazan con la cárcel”, afirma Roberto González, un vecino de San Isidro de Pocosal.

José Ortega, de Punta Cortés de Los Chiles expresa que tiene temor, aunque esté del lado tico.

“Yo siento temor de aproximarme a la guardarraya, pues en el momento menos esperado, los soldados del otro lado me capturan diciendo que violé la soberanía de su patria”, aseguró.

El problema es que la línea fronteriza es prácticamente invisible.

Los mojones principales y los puntos de referencia intermedios están cubiertos por la maleza; el mantenimiento está ausente y, con el tiempo, se pierden los puntos de referencia, sin que se haga nada por parte de ambos gobiernos.

Desde el 2005, cuando Costa Rica demandó a Nicaragua ante la Corte Internacional de Justicia de La Haya para aclarar los derechos de navegación en el San Juan, se enterraron los intentos de ambos países por poner en orden la línea de frontera.

Esta situación empeora la confusión de los habitantes. Un ejemplo: en el sector El Manzano, próximo a Méjico de Upala, hay un camino de piedra que lleva a Papaturro de Nicaragua. Allí no hay nada que indique dónde termina el territorio de Costa Rica y dónde se inicia el de Nicaragua.

A 20 metros de la orilla del camino, un mojón tapado por el pastizal es una marca invisible y, por ende, una trampa.

“Si no es por los vecinos que se lo advierten, sin querer usted pasa la frontera exponiéndose a que lo detengan”, dijo Juan González, productor de maíz.

El agricultor González pide que se instalen rótulos informativos para evitar las confusiones y, de esa manera, los incidentes.

ANNEX 69

La Nacion (Costa Rica), 'He demanded that I pull down my pants',
3 August 2014, available at [http://www.nacion.com/nacional/gobierno/
exigio-bajara-pantalones_0_1430657010.html](http://www.nacion.com/nacional/gobierno/exigio-bajara-pantalones_0_1430657010.html)

3 August 2014

English Translation and Spanish Original

LA NACIÓN

http://www.nacion.com/nacional/gobierno/exigio-bajara-pantalones_0_1430657010.html

“He demanded that I pull down my pants”

BY Carlos Hernández - updated on 3 August 2014, at: 12:11 am

San Carlos. "A soldier, speaking in a loud voice, asked me all sorts of questions. He told me that Costa Ricans had no right to walk along the San Juan (River) and that we could even be detained."

"The worst happened afterward, when the same soldier demanded that I pull down my pants, and that if I did not obey he would detain me. I had no other choice than to remain almost naked from the waist down."

This is how farmer Rubén Valerio Arroyo, inhabitant of Chorreras de Cutris de San Carlos, says that he was treated by a soldier of the Nicaraguan army stationed at the checkpoint in front of Boca San Carlos.



Ruben Valerio assures that Nicaraguan soldiers humiliated him. | CARLOS HERNANDEZ [Ampliar](#)

Valerio, who is 19 years old, narrated that the facts occurred on Saturday 2 February of last year, when he and two other Costa Ricans went to the checkpoint to report themselves, to then cross to the Costa Rican border village Boca San Carlos.

After being held for three hours with his other countrymen, the same soldier conditioned his release to that he go to the Costa Rican side to bring food and soft drinks for four people.

The young man said that he felt humiliated by the way the soldier treated him: "I have several years of navigating on the San Juan and I had never been treated so badly. There was no reason for them to force me to pull down my pants, with the story that it was to check what I was carrying," he indicated.

Tensions over the behaviour of the Nicaraguan authorities are increasing. The locals indicate that this has been happening more often since the problems with the border road arose.

LA NACIÓN

http://www.nacion.com/nacional/gobierno/exigio-bajara-pantalones_0_1430657010.html

‘Me exigió que me bajara los pantalones’

POR Carlos Hernández - Actualizado el 3 de agosto de 2014 a: 12:11 a.m.

San Carlos. “Un militar, hablando en voz alta, me hizo todo tipo de preguntas. Me hizo saber que los costarricenses no teníamos derecho a andar en el San Juan y que hasta podían dejarnos detenidos.

”Lo peor sucedió después, cuando el mismo soldado me exigió que me bajara los pantalones, y, que si no obedecía, me detenía. Entonces, no me quedó más que quedarme casi que desnudo de la cintura para abajo”.

De esta forma, el agricultor Rubén Valerio Arroyo, vecino de Chorreras de Cutris de San Carlos, afirma que fue tratado por un efectivo del Ejército de Nicaragua destacado en el puesto de control frente a Boca San Carlos.



Rubén Valerio asegura que los soldados nicaragüenses le dieron un trato humillante. | CARLOS HERNÁNDEZ [Ampliar](#)

Valerio, quien tiene 19 años, narró que los hechos se dieron el sábado 2 de febrero del año anterior, cuando él y dos ticos más pasaron al puesto de control a reportarse, para luego cruzar hacia el caserío fronterizo costarricense de Boca San Carlos.

Luego de tres horas de tenerlo retenido junto con sus compatriotas, el mismo militar le condicionó dejarlo en libertad, a cambio de que fuera al lado costarricense a traerle comida y gaseosas para cuatro personas.

El joven dijo que se sintió humillado por la forma cómo lo trató el soldado: “Yo tengo varios años de navegar por el San Juan y nunca antes me habían atendido tan mal. No había motivo para que me obligaran a bajarme el pantalón, con el cuento de que era para requisarme”, manifestó.

Las tensiones por el comportamiento de las autoridades nicaragüenses van en aumento. Los lugareños dicen que eso ocurre más seguido, desde que se dan los problemas por la trocha fronteriza.

ANNEX 70

Department of Transit Engineering, Ministry of Public Works and
Transportation, Costa Rica, Authorization of Routes for the Transport of
Hazardous Materials

1995

English Translation

I. INTRODUCTION AND OBJECTIVES

The transport of hazardous materials is an issue that has been highly controversial in recent years due to the large number of interests managed. Industries, service stations as well as communities have very personal criteria regarding the determination of routes and schedules for vehicles that transport hazardous materials.

According to Decree N°24715-MOPT-MEIC-S, corresponding to the regulations for the Land Transport of Hazardous, the General Department of Transit Engineering of the Ministry of Public Works and Transport (MOPT is the abbreviation in Spanish) is responsible for implementing the specific routes and itinerary that must be followed by vehicles that transport hazardous materials.

Due to the complexity of the hazardous materials that are transported on our roads, the Hazardous Materials Commission decided to divide the substances into three groups. Hydrocarbons, Gases and Chemicals products. In addition, for the first stage the study was limited to the Greater Metropolitan Area. Therefore, this report presents the results of the determination of routes and schedules for vehicles that will transport hydrocarbons within the Greater Metropolitan Area. It also includes the primary routes from border to border.

The main objective of determining the routes and schedules for the transport of hazardous materials is to mitigate the effects of a possible accident. It is important to clarify that the assignment of routes and schedules is not to prevent accidents of vehicles that transport hazardous materials, but to reduce the destructive effect that may occur. However, the recommendations related to transportation schedules will help somewhat to reduce the possibility of an accident.

When determining specific routes for the transport of hazardous materials it is important to take into consideration two fundamental aspects:

- The deterioration of our road system limits the use of routes that could eventually be used to transport hazardous materials; therefore, one of the main recommendations of this work is giving maintenance to the recommended roads, since the poor state of the roads is an important factor that can lead to accidents, especially of large vehicles.
- Another aspect that should be noted is the lack of urban planning of our predecessors, thus on many occasions the assignment of routes will not be ideal. However, it will be the one with less vulnerability in the event of accidents involving vehicles that transport hazardous materials.

II. METHODOLOGY

Below is the methodology to be followed by the General Department of Traffic Engineering for the assignment of routes and schedules corresponding to the Greater Metropolitan Area ("Gran Area Metropolitana," GAM).

2.1 Methodology for the Assignment of Routes.

Before describing the steps to be followed to determine routes, it is important to clarify the few alternate routes available in our road network. This situation limits the choice of routes to be used by vehicles transporting hydrocarbons. Therefore, it is not surprising that in subsequent studies corresponding to the determination of routes and schedules for the transport of gases and chemical substances, many of the routes described in this report will be the same used for the transport of such substances.

The methodology used to determine which of the routes available can be used for the transportation of hydrocarbons is the following:

- First, locate on maps all of the service stations and industries (Checkpoints) related to the transportation of hydrocarbons. The location will be performed with the help of cartographic sheets, scale 1:10000, corresponding to the GAM and according to the information from records provided by RECOPE and MINAE.
- Once the industries and service stations have been located, choose the routes to be followed by vehicles transporting hydrocarbons. This choice is made according to the following criteria, which are presented by order of priority:
 1. Since we seek to mitigate the effects of a potential accident involving vehicles transporting hydrocarbons, the main parameter used for the assignment of routes is the vulnerability of the area. To this end the following are taken into account:
 - a) Proximity to residential areas
 - b) Proximity to schools, churches, hospitals, public institutions
 - c) Proximity to any place where people gather
 - d) Proximity to forest or ecological reserves
 2. The transportation of hydrocarbons should be performed as quickly as possible. Thus, the shortest route with the lowest traffic volume shall be assigned.
 3. For greater security the state of the roads will be taken into account. However, it is worth noting that our road network is quite deteriorated in general, so this consideration will probably make the analysis more difficult.

An important aspect worth mentioning is field visits. These will be performed in places that are considered relevant, especially to resolve doubts that may arise when analysing alternative routes.

The routes that will be used for the transport of hazardous materials will be classified as follows:

Primary routes: Will be understood as those routes that are used for the circulation of vehicles from the Southern border (Paso Canoas) to the Northern border (Peñas Blancas).

Secondary routes: Are those routes used by vehicles for the distribution of hydrocarbons, both to service stations and to those industries located on highways with high traffic flow.

Tertiary routes: These routes correspond to those that have a low traffic flow. They are especially used for the distribution of hydrocarbons to industries that use this type of substances.

2.2 Methodology for the Assignment of Routes.

To assign the schedule for the transport of hydrocarbons, the routes deemed most important in terms of traffic flow will be taken into account. The purpose of this study is not to define the schedule that every company which transports hydrocarbons should have; rather, each must program itself so as to not circulate during the morning rush hour and afternoon rush hour on the routes that are considered relevant.

To determine the peak periods, both morning and evening, data from vehicle counts from the Planning Department of the Ministry of Public works and Transport will be used. If this information is not available, vehicle counts will be performed with collectors from the General Department of Transit Engineering.

In areas far from the metropolitan area and in high-risk areas the transport of hydrocarbons will not be allowed after six p.m. This is because at night the driver's visibility decreases, and the response capacity of emergency units (Firemen, Ambulances, Traffic police, etc.) is much lower.

2.3 Road signs.

To put into practice the provisions of the General Department of Traffic Engineering, the necessary vertical or horizontal signs will be designed so that motorists have more information about the routes and schedules that must be respected.

The installation of road signs will be performed either by the administration or by contract. If the project is carried out by contract, the corresponding tenders should be included to award the project to private companies.

2.4 Future considerations.

It is worth noting that the routes defined by the General Department of Traffic Engineering will be subject to future changes. This is due to possible changes in the roads, or the opening of planned projects such as:

- Circunvalación Norte
- Ciudad Colón - Orotina
- Costanera Sur
- Anillo Periférico

The possible changes in routes that will occur will be to comply with the main objective of this study, which is to protect the lives of persons. Thus, the new designations must always seek to move the vehicles which transport hazardous materials away from highly populated areas.

EL ALTO DE OCHOMOGO (Entrada a RECOPE)

- Quebrada Quirazu
- Tres Ríos (Paso Superior R.251)
- La Galera (Intersección R.2 - R.251, Carretera Vieja Tres Ríos)
- Fuentes de Montes de Oca (Intersección R.2 - R.203, Carretera Lourdes)
- San Pedro (Intersección R.2 - R.39, Rotonda de La Hispanidad)
- Betania (Intersección R.39 - R.202, Rotonda Guadalupe)
- Guadalupe (Intersección R.39 - R.218, Rotonda de Guadalupe)
- Calle Blancos (Intersección R.39 - R.109, Santo Tomás)
- Cinco Esquinas (Intersección R.100 - R.5, Carretera Tibás)
- Copey (Intersección R.100 - R.166, Carretera La Uruca)
- La Uruca (Intersección R.166 - R.3, Pozuelo)
- Río Virilla (Límite Provincial)
- Radial Alajuela (Intersección R.1 - R.153)
- Intersección Manolos (R.1 - R.3, Carretera Atenas)
- Radial Grecia (Intersección R.1 - R.154)
- Radial Naranja (Intersección R.1 - R.141)
- Monserrat (Intersección R.1 - R.135)
- Quebrada Angostura
- Esparza (Intersección R. 1 - R. 131)
- Barranca (Intersección R. 1 - R. 17)
- Plantel RECOPE (Entrada Principal)
- Cuatro Cruces (Intersección R.1 - R.144)
- Río Lagarto (Límite Provincial)
- La Irma (intersección R.1 - R.145)
- Limonal (Intersección R.1 - R.18)

- Cañas (Intersección R.1 - R.142)
- Bagaces (Intersección R.1 - R.164)
- Liberia (Intersección R.1 - R.21)
- Río Tempisquito
- La Cruz (Entrada Principal)
- Peñas Blancas (Frontera Norte)

**ruta de Paso de Puerto Limón a Puerto Caldera
(Limón a Puntarenas)**

- Limón (Muelle Nacional)
- Buenos Aires (Intersección R.32 - R.240, Carretera Moín)
- Entrada Recope (Entrada Principal Moín)
- Liverpool (Cruce Río Blanco)
- Río Barbilla
- Siquirres (Intersección R.32 - R.10)
- Pocora (Intersección R.32 - R.812)
- Guácimo (Intersección R.32 - R.248)
- Guápiles (Intersección R.32 - R.247)
- La Y Griega (Intersección R.32 - R.4, Carretera Río Frío)
- Río Sucio (Límite Provincial)
- Túnel Zurquí
- Río Para Blanco (Límite Provincial)
- Río Virilla (Límite Provincial)
- San José (Intersección R.32 - R.108, La República, Barrio Tournon)
- Cinco Esquinas (Intersección R.5 - R.100, Carretera Tibás)
- Copey (Intersección R.100 - R.166, Carretera La Uruca)
- La Uruca (Intersección R.166 - R.3, Pozuelo)
- La Uruca (Intersección R.1 - Marginal Derecha, Kativo)
- Río Virilla (Límite Provincial)
- Radial Alajuela (Intersección R.1 - R.153)
- Intersección Manolos (R.1 - R.3, Carretera Atenas)
- Radial Grecia (Intersección R.1 - R.154)
- Radial Naranjo (Intersección R.1 - R.141)
- Radial Palmares (Intersección R.1 - R.135)
- Monserrat (Intersección R.1 - R.135)
- Quebrada Angostura
- Esparza (Intersección R.1 - R.131)
- Barranca (Intersección R.1 - R.17)
- Intersección (R.1 - Paso Inferior R.23)

- El Roble (Intersección R.23 - Paso Inferior R.17)
- Río Barranca (Puente)
- Puerto Caldera (Intersección R.23 - R.27)

ruta de Paso Interprovincial

A. Cartago - Turrialba - Siquirres

- Recope El Alto de OCHOMOGO (Entrada Principal)
- La Lima (Intersección R.2 - R.10, Entrada Principal Cartago)
- Cartago (Intersección R.10 - R.236)
- Cartago (Intersección R.10 - R.233, Basílica de Los Ángeles)
- Paraíso (Intersección R. 10 - R.224)
- Birris (Intersección R. 10 - R.404)
- Juan Viñas (Intersección R. 10 - R.410)
- Turrialba (Intersección R. 10 - R.230)
- Eslabón (Intersección R.10 - R.232)
- Finca La Amistad (Límite Provincial)
- Siquirres (Intersección R. 10 - R.32)

B. Cartago - Tres Ríos - San José

- Cartago (Intersección R.20 - R.10, La Lima)
- Taras (Intersección R.2 - R.219)
- El Alto de OCHOMOGO (Entrada Principal Recope)
- Quebrada Quirazu
- Tres Ríos (Intersección R.2 - Paso Inferior R 251)
- Tres Ríos (Iglesia)
- La Galera (Intersección R.2 - R.251, Carretera Vieja Tres Ríos)
- Fuentes de Montes de Oca (Intersección R.2 - R.203, Carretera Lourdes)
- San Pedro (Intersección R.2 - R.39, Rotonda de La Hispanidad)

C. La Sierra - Rosario - San Gabriel

- La Sierra (Intersección R.2 - R.222)
- Frailes (Iglesia)
- Río Santa Elena (Límite Provincial)
- Rosario (Río Alumbre, Límite Provincial)
- San Gabriel (Intersección R.222 - R 313)
- San Ignacio de Acosta (Intersección R.209 - R.301)

H. Heredia - San Joaquín - Alajuela

- Heredia (Intersección R.3 - R.126)
- San Francisco (Intersección R.3 - R. 111)

- San Joaquín (Intersección R.3 - R.123)
- Río Segundo (Límite Provincial)
- Intersección Aeropuerto (R.3 – R. 111)
- Invu Las Cañas (Entrada Principal)
- Alajuela (Intersección Avenida 10 - Calle 3, Calle Ancha)

I. Alajuela - Manolos - Atenas

- Alajuela (Intersección Avenida 3 - Calle 12, Calle Ancha)
- Barrio San José (Intersección R.3 - R. 118)
- Manolos (Intersección R.3 - Paso Inferior R.1)
- Entrada A Recope (Entrada Principal)
- La Garita (Intersección R.3 - R.136)

J. Alajuela - Grecia - Sarchí - Naranjo

- Alajuela (Intersección Avenida 3 - Calle 12, Calle Ancha)
- Barrio San José (Intersección R.3 - R.118)
- Tacaes (Intersección R.118 - R.717 Y R.722)
- Grecia (Intersección R. 118 - R. 154)
- Sarchí Norte (Parque, Iglesia)
- Naranjo (Intersección R.118 - R.141)

K. Alajuela - Santa Bárbara - Barva - Heredia

- Alajuela (Intersección R.3 - R 123, Iglesia La Agonía)
- Desamparados (Plaza)
- Santa Bárbara (Intersección R.123 - R.128)
- Barrio Jesús (Intersección R 128 - R. 114)
- San Pedro (Parque, Iglesia)
- Barva (Intersección R. 128 - R. 126)
- Heredia (Intersección R. 126 - R.3)

D. El Empalme – Santa María de Dota – San Pablo

- El Empalme (Intersección R.2 - R.226)
- Santa María de Dota (Intersección R.226 - R.315)
- San Marcos de Tarrazu (Intersección R.226 - R.303)
- San Pablo (Iglesia)
- San Cristóbal (Intersección R.226 - R.222)

E. San José - Ciudad Colón - Santiago de Puriscal

- San José (Intersección R.1 - R 27, Avenida 0 - Calle 42)
- San Rafael de Escazú (Caseta de Peajes)
- Intersección Santa Ana (Intersección R.27 - Paso (inferior R.147)
- Brasil (Intersección R.27 - R.22)
- Ciudad Colon (Intersección R.22 - R.239)

- Cruce a Tarbaca (Intersección R.239 - R.209)
 - Santiago de Puriscal (Iglesia)
- F. San José - Tibás - Heredia**
- San José (Intersección R.1 - R.5, Avenida 1 - Calle 0)
 - Cinco Esquinas (Intersección R.5 - Paso Superior R 100)
 - Tibás (Intersección R.5 - R.102)
 - Río Virilla (Límite Provincial)
 - Santo Domingo (Avenida 0 - Calle 3)
 - Pirro (Intersección R.5 - R.3)
 - Heredia (Intersección R.3 - R.126)
- G. San José - Uruca - Heredia**
- San José (Intersección R 1 - R.27, Avenida 1 - Calle 42)
 - La Uruca (Intersección R.1 - R.3, Puente Juan Pablo II)
 - Río Virilla (Límite Provincial)
 - Los Lagos (Entrada Principal)
 - Pirro (Intersección R.5 - R.3)
 - Heredia (Intersección R.3 - R. 126)

RUTA DE PASO PUNTARENAS – COSTANERA

- A. Barranca - Chacarita - Puntarenas**
- Barranca (Intersección R. 1 - R. 17)
 - El Roble (Intersección R 17 - Paso Superior R.23)
 - Chacarita (Plantel MOPT)
 - Cocal (Escuela)
 - Puntarenas - Barrio El Carmen (Embarcadero)
- B. Caldera - Jacó - Quepos - Dominical**
- Puerto Caldera (Intersección R.27 - R.23)
 - Río Jesús María (Límite Provincial)
 - Radial Pozón (Intersección R.34 - R.757)
 - San Jerónimo (Intersección R.34 - R.757)
 - Quebrada Ganado (Río Agujas)
 - Herradura (Entrada Principal)
 - Jaco (Entrada Principal)
 - Loma (Intersección R.34 - R.239)
 - La Julieta (Río Parrita)
 - Damas (Quebrada Bonita)
 - Junta Naranja (Intersección R.34 - R.235)
 - Quepos (Intersección R.235 - R.618)
 - Finca Marítima (Intersección R.34 - R.616)

- Dominical (Río Baru, Entrada Principal)
- C. Pozón - Orotina - San Mateo**
- Radial Pozón (Intersección R.27 - Paso Inferior R.34)
 - Orotina (Entrada Principal)
 - Río Machuca (Puente)
 - San Mateo (Intersección R.3 - R. 131)
- D. Río Lagarto - Santa Elena**
- Río Lagarto (Intersección R.1 - R.605)
 - Sarmiento (Iglesia)
 - Guacimal (Intersección R.605 - R.606)
 - Santa Elena (Iglesia)

RUTA DE PASO ZONA NORTE

- A. Naranjo - Ciudad Quesada - Los Chiles**
- San Miguel (Intersección R.1 - Radial Naranjo)
 - Naranjo (Intersección R.118 - R.141)
 - El Muro (Intersección R.141 - R.148)
 - Zarcero (Intersección R.141 - R.741)
 - Zapote (Iglesia)
 - Ciudad Quesada (Intersección R.141 - R.140)
 - Florencia (Intersección R.141 - R.35)
 - Quebrada Azul (Iglesia)
 - El Muelle (Iglesia)
 - Terrón Colorado (Escuela)
 - Pavón (Km. 36, Iglesia)
 - Los Chiles (Municipalidad)
- B. Florencia - Fortuna - San Rafael de Guatuso**
- Florencia (Intersección R.141 - R.35)
 - Santa Clara (Iglesia)
 - Jabillos (Intersección R.141 - R.738)
 - El Tanque (Intersección R.141 - R.142)
 - La Fortuna (Intersección R.142 - R.702)
 - Monterrey (Intersección R.4 - R.7134)
 - El Edén (Límite Cantonal)
 - San Rafael de Guatuso (Intersección R.4 - R 143)
- C. Ciudad Quesada - Pital - Boca Tapada**

- Ciudad Quesada (Intersección R.140 - R.141)
- La Marina (Intersección R.140 - R.748)
- Aguas Zarcas (Intersección R.140 - R.250)
- Los Chiles (Intersección R.250 - R.751)
- Pital (Intersección R.250 - R.744)
- Sahino (Iglesia)
- Boca Tapada (Iglesia)

D. El Tanque - Muelle - Puerto Viejo - La Y Griega

- El Tanque (Intersección R.4 - R. 142)
- Muelle (Intersección R.4 - R.35)
- Los Llanos o Vuelta de Kooper (Intersección R.4 - R.751)
- Los Chiles (Intersección R.751 - R.250)
- Aguas Zarcas (Intersección R.250 - R.140)
- Venecia
- Río Cuarto (Calle Principal)
- San Miguel (Intersección R.140 - R.126)
- La Virgen (Iglesia)
- Bajos de Chilamate (Intersección R. 140 - R.4)
- Puerto Viejo (Intersección R.4 - R.229)
- Horquetas (Intersección R.4 - R.229)
- Río Frío (Intersección R 4 - Entrada Principal)
- Carretera A Guápiles (Intersección R.4 - R.32)

ruta de paso provincia de guanacaste

A. Liberia - Santa Cruz - Nicoya - Paquera

- Liberia (Intersección R.1 - R 21)
- Llano Grande (Aeropuerto)
- Guardia (Río Tempisque)
- Filadelfia (Intersección R.21 - R.920)
- Belén (Intersección R.21 - R.920)
- Santa Cruz (Intersección R.21 - R.160)
- Nicoya (Intersección R.21 - R.150)
- Pueblo Viejo (Intersección R.21 - R.18)
- Santa Rita (Intersección R.21 - R.161)
- Terrón Colorado (Escueta)
- Pavones (Iglesia)
- Quebrada San Pedro (Límite Provincial Guanacaste - Puntarenas)
- Lepanto (Iglesia)
- Playa Naranjo (Embarcadero)
- Río Grande (Cruce Centro de Población)
- Paquera (Intersección R.160 - R.621)

- B. Comunidad - Sardinal**
- Comunidad (Intersección R.21 - R.151)
 - Río Las Palmas (Puente)
 - Sardinal (Intersección R.151 - R.912)
- C. Belén - Brasilito**
- Belén (Intersección R.21 - R.155)
 - Portegolpe (intersección R. 155 - R.909)
 - Huacas (Intersección R. 155-R 180)
 - Brasilito (Plaza)
- D. Nicoya - Sámara**
- Nicoya (Intersección R.2126)
 - Casetas (Intersección R.150 - R.157)
 - Belén (Iglesia)
 - Sámara (Intersección R. 150 - R. 160)
- E. Santa Rita - Carmona**
- Santa Rita (Intersección R.21 - R.161)
 - Carmona (Parque)
- F. Bagaces - Guayabo**
- Bagaces (Intersección R.1 - R.164)
 - El Torno (Intersección R. 164 - R. 165}
 - Guayabo (Iglesia)
- G. Cañas - Tilarán - Nuevo Arenal**
- Cañas (Intersección R.1 - R.142)
 - Los Ángeles (Intersección R. 142 - R. 145)
 - Tilarán (Intersección R.142 - R.145)
 - Cuatro Esquinas (Intersección R.142 - R.926)
 - Naranjos Agrios (Intersección R. 142 - R.927)
 - Nuevo Arenal (Intersección R.142 - R.734)
- H. La Irma - Las Juntas**
- La Irma (Intersección R.1 - R.145)
 - Río San Juan (Puente)
 - Las Juntas (Intersección R. 145 - Antigua R.924)
- I. Limonal - Puerto Alegre**
- Limonal (Intersección R.1 - R.18)
 - San Joaquín (Escuela)
 - Puerto Alegre (Río Tempisque, Embarcadero)

RUTA DE PASO ZONA ATLÁNTICA

- A. Guápiles - Cariari - Las Palmitas**
- Guápiles (Intersección R.32 - R.247)
 - Pueblo Nuevo (Intersección R.247 - R.248)
 - Cariari (Iglesia)
 - Campo Cinco (Escuela - Iglesia)
 - Las Palmitas (Escuela)
- B. Carretera Saopin - Matina**
- Carretera Saopin (Intersección R.32)
 - Matina (intersección R. 813 - R. 805)
 - Bataan
- C. Limón Bribri - Sixaola**
- Limón (Intersección R.32 - R.36)
 - Río Banano (Intersección R.36 - R.241)
 - Peshurt (Intersección R.36 - R.234)
 - Cahuita (Entrada Principal)
 - Hone Creek (Río Hone Creek)
 - Bribri (intersección R.36 - R.801)
 - Sixaola (Río Sixaola, Límite Fronterizo)
- D. Peshurt - Pandora**
- Peshurt (Intersección R.36 - R.234)
 - Pandora (Cruce Puente Colgante - Río La Estrella)

RUTA DE PASO ZONA SUR

- A. Las Juntas de Pacuar - Pejibaye**
- Las Juntas de Pacuar (Intersección R.2 - R.244)
 - Mollejones (Intersección R.244 - R.329)
 - Pejibaye (intersección R.329 - R.33Ü, Iglesia)
- B. Entrada Buenos Aires - Buenos Aires**
- Interamericana Sur (Intersección R.2 - R.246)
 - Buenos Aires (Iglesia)

C. Palmar Norte - Ciudad Cortés

- Palmar Norte (Intersección R.2 - R.34)
- Río Balsar (Puente)
- Ciudad Cortes (Centro de Población)

D. Río Claro - Golfito

- Río Claro (Intersección R.2 - R.14)
- Río Coto Colorado (Puente)
- Purruja (Plaza)
- Golfito (Estadio)

3.2 Secondary routes.

Below are the different secondary routes for the transit of vehicles transporting hydrocarbons, corresponding to the Greater Metropolitan Area. These routes correspond mainly to the routes used for the distribution of hydrocarbons to the different service stations. However, many of the industries that use this substance are located on these routes.

It is important to highlight that in the Greater Metropolitan Area there is a big problem with regard to constant deterioration of most of the roads, which will worsen considerably with the passage of tanker trucks.

RUTA 3

- Intersección R 3 - R.1
- Intersección R.3 - R. 119
- Paso del Guayabo
- Ferrocarril de Costa Rica
- San Joaquín
- Heredia. Intersección Y Griega entre avenida 4 y Avenida 6
- Avenida 4
- Avenida 6
- Intersección Avenida 4 - Calle 9
- Radial Heredia
- Intersección La Valencia. R.3 - R 103
- Intersección R.3 - R.106
- Río Virilla
- Intersección Pozuelo. R.3 - R.166
- Rotonda Juan Pablo II

RUTA 128

- San Pedro de Heredia
- Barva, sobre Avenida Central Cleto González
- Intersección R. 128 - R. 126

RUTA 120

- Beneficio
- Barva R.126 - Avenida Central Cleto González
- Santa Lucía
- Peralta
- Heredia. Intersección R.126 - R.113
- Intersección R.126 - Avenida 9
- Intersección Avenida 9 - Calle 10
- Intersección Avenida 4 - Calle 10
- Intersección Avenida 6 - Calle 10

RUTA 113

- Intersección R. 113 - R.502
- Plaza
- Santiago
- Escuela Laboratorio
- Heredia. Intersección R. 113 -R. 113

RUTA 5

- Intersección R.3 - R.5
- Beneficio
- Santo Domingo
- Intersección Avenida 0 - R 5
- Intersección Avenida 0 - Calle 3
- Cementerio
- Plantel del MOPT
- San Juan de Tibás
- Intersección Avenida 3 - Calle Central
- Intersección Avenida 1 - Calle Central
- Intersección Calle Central - R.101
- Intersección R.5 - R.100
- Intersección R.5 - R.108
- San José
- Intersección R.5 - Avenida 9

RUTA 103

- Intersección La Valencia
- Intersección R.103 - R.3
- Santa Rosa
- Santo Domingo
- Intersección R.103 - Avenida 12

RUTA 122

- Cruce San Antonio
- San Antonio
- Avenida 2
- Estación San Antonio
- Centro Recreativo
- Intersección R.122 - R.111

RUTA 111

- San Antonio
- Intersección R.122 - Avenida 1
- Intersección Avenida 1 Calle 6
- Intersección Avenida Central - Calle 6
- Asunción
- Plaza de Deportes
- Intersección R.111 - R.122
- Intersección R.111 - Autopista General Cañas
- Intersección R.111 - R.106

RUTA 106

- Intersección R.106 - R.111
- Pitahaya
- Zona Industrial
- Centro Educativo Ulloa
- Barreal de Heredia
- Lagunilla
- Intersección R.106 - R 103

RUTA 147

- Radial San Antonio
- Zona Industrial
- Quebrada Rodríguez
- Intercambio R.147 - R.27
- Radial Santa Ana
- Intersección R.147 - R.121

RUTA 121

- Intersección R.121 - R.147
- Santa Ana. Avenida 4
- Río Corrogres
- Intersección R.121 - R.310
- Carretera John F. Kennedy
- Intersección R.121 - R.105

RUTA 105

- Escazú
- Intersección Avenida Central - Calle
- Intersección Avenida 3 - Calle 3
- Río Chiquero
- Río Agres
- Calle León Cortés
- Intersección R.105 - R.121
- Quebrada Quebradilla
- Intercambio R. 105 - R.27

RUTA 104

- Rincón Grande de Pavas
- Pavas
- Zona Industrial
- Intercambio R. 104 - R. 39
- Parque Metropolitano La Sabana
- Bulevar Las Américas
- Intersección R.104 - R.1
- Intercambio R.27 - R 39
- Intersección R.27 - R.104
- Parque Metropolitano La Sabana

RUTA 27

- Intersección R.27 - Avenida San Martín
- Intersección R.27 - R. 1

RUTA 1

- Intercambio R.1 - R.3. Rotonda Juan Pablo II
- Autopista General Cañas
- Río Torres
- Intersección R.1 - R.104
- Intersección R.1 - R.27

RUTA 166

- Radial Uruca
- Intersección R. 166 - R 3
- Zona Industrial
- Escuela Antonio José de Sucre
- Plaza de Deportes
- Zona Industrial

- Intersección R 166 - R. 100
- Río Torres
- Paso de la Vaca
- San José
- Intersección R.166 - Avenida 9
- Avenida 9 - Calle Central

RUTA 110

- Alajuelita
- Intersección R. 110 - R. 105
- Calle Central
- Río Tiribí
- Intersección R.110 - R.39 (Rotonda Alajuelita)
- Hatillo
- Zona Industrial
- Barrio Cuba
- Ferrocarril de Costa Rica
- San José
- Intersección Avenida 14 - Calle 20
- Intersección Avenida 10 - Calle 20

RUTA 214

- San Rafael Abajo
- Intersección R.214 - R 217
- Los Higuerones
- La Gardenia
- Río Tiribí
- Plaza de Deportes
- Intersección R.214 - R.39 (Rotonda San Sebastián)
- San Sebastián
- Unidad de Admisión de San Sebastián
- Intersección R.214 - R.213

RUTA 213

- Paso Ancho
- Intersección R.213 - R.39 (Rotonda de Paso Ancho)
- Intersección R 213 - R.214

RUTA 209

- Aserrí
- Río Cañas
- Intersección R.209 - R.204
- Balneario Los Juncales

- Intersección R.209 - R.206
- Desamparados
- Intersección Avenida 4 - Calle 1
- Intersección Avenida Central - Calle 1
- Liceo Rubén Odio
- Cementerio
- Río Tiribí
- Intersección R.209 - R.39 (Rotonda Y Griega)
- Centro Comercial del Sur
- Plaza González Viquez

RUTA 206

- San Miguel de Desamparados
- Peñascal
- Cruce
- Intersección R.206 - R.209

RUTA 212

- Patarrá
- Fátima
- San Antonio
- Plaza de Deportes
- Intersección R.212 - R.210

RUTA 251

- Tres Ríos
- Lomas de Ayarco
- Intersección R.251 - R.2

RUTA 210

- Intersección R.210 - R.2
- Curridabat
- Intersección R.210 - Calle 3
- Tirrases
- Intersección R.210 - R.211
- Intersección R.210 - R.212
- San Antonio
- Intersección R.210 - R.207
- Intersección R.210 - R.209 (sobre ruta 7)

RUTA 211

- Intersección R.211 - R.210

- San Francisco de Dos Ríos
- Parque
- Intersección R.211 - R.39 (Rotonda Y Griega)

RUTA 215

- Intersección R.215 R.39 (Rotonda de Zapote)
- Autopista Estado de Israel
- Plaza González Víquez

RUTA 216

- San Isidro
- Quebrada Setillal
- Intersección R.216 - R.218

RUTA 218

- Ipís
- Intersección R 218 - R.216
- Escuela Juan Flores
- El Alto de Guadalupe
- Guadalupe
- Intersección R.218 - R.200
- Avenida Central de Guadalupe
- Intersección R.218 - R.39 (Rotonda de Guadalupe)
- Intersección R.218 - R.108
- Centro Nacional de Exposiciones (FERCORI)

RUTA 102

- Intersección R. 102 - R.5
- Intercambio R.102 - R.32
- Intersección R.102 - R.101
- San Vicente
- Avenida Central - Calle 1
- Avenida 1 - Calle 1

RUTA 200

- Intersección R.200 - R.218
- Intersección R.200 - R.109
- San Vicente

RUTA 216

- Intersección R.109 - R.200
- Intersección R. 109 - R 39

RUTA 101

- Intersección R. 101 - R. 102
- Intercambio R.101 - R.32
- Intersección R.101 - R.5
- San Juan de Tibás
- Avenida 14 - Calle 16
- Escuela Rafael Vargas
- Planta Eléctrica Colima

CASCO CENTRAL DE SAN JOSÉ

RUTA 2

- Intercambio R.2 – R, 39 (Rotonda Hispanidad)
- Intersección R.2 - R.202
- Intersección Avenida 2 - R.202
- Intersección Avenida 2 - Calle 11
- Intersección Avenida 2 - Calle 14
- Intersección Avenida Central - Calle 14
- Paseo Colón - Calle 24
- Intersección R.1 - R.27 (Parque Metropolitano La Sabana)
- Paseo Colón - Calle 24
- Intersección Avenida 2 - Calle 24
- Intersección Avenida 2 - R.27

RUTA 204

- Intersección Avenida 10 - Calle 21
- Intersección Avenida 10 - Calle 20
- Intersección Avenida 10 - Calle 40 (Avenida San Martín)

AVENIDA 14

- Intersección Avenida 14 - Calle 9
- Paseo Sarmiento
- Intersección Avenida 14 - Calle 10
- Intersección Avenida Pochet y Odio - Calle 20

AVENIDA 8 y 6

- Intersección Avenida 8 - Calle Central
- Intersección Avenida 8 - Calle 28
- Intersección Avenida 6 - Calle 28
- Intersección Avenida 6 - Calle 40

AVENIDA 9 y 13

- Intersección Avenida 9 - Calle Central

- Paso de la Vaca
- Intersección Avenida 13 - Calle 10
- Intersección Avenida 13 - Calle 20

AVENIDA CENTRAL

- Intersección R 2 - Paseo Rubén Odio
- Intersección Avenida Central - Calle 21
- Intersección Avenida Central - Calle 11

CALLE 20

- Intersección Avenida 13 - Calle 20
- Paseo Colón - Calle 20

CALLE 14

- Intersección Avenida Central - Calle 14
- Intersección Avenida 8 - Calle 14

CALLE 10

- Intersección Avenida 8 - Calle 10
- Intersección Avenida 8 - Calle 14

CALLE CENTRAL

- Intersección Avenida 8 - Calle Central
- Intersección Avenida 14 - Calle Central
- Intersección Avenida 26 - Calle Central

CALLE 9

- Intersección Avenida 2 - Calle 9
- Intersección Avenida 14 - Calle 9
- Plaza González Viquez

CALLE 11

- Intersección Avenida Central - Calle 11
- Plaza González Viquez

CALLE 21

- Intersección Avenida 3 - Calle 21
- Intersección Avenida 2 - Calle 21
- Intersección Avenida 10 - Calle 20
- Intersección Avenida 12 Bis - Calle 20
- Intersección Avenida 12 Bis - Calle 19
- Intersección Calle 19 - Calle 13

3.3 Tertiary routes.

Correspond to routes destined especially for industries that use fuels and are characterized by a low traffic flow.

Many of the tertiary routes do not even have a route number, therefore many times the name of the nearest town is used to describe the route. Below is a description of each.

RUTA 202

- Intersección Avenida Central - Calle 1 (Tres Ríos)
- Dulce Nombre
- San Ramón
- Finca Penón
- San Rafael
- El Cristo
- Sabanilla
- Betania (Rotonda La Bandera)

RUTA 221

- Intersección Avenida 5 - Calle 2 (Tres Ríos)
- Concepción
- San Josecito
- Laguna
- Intersección R221 - R203 (Santa Marta)

RUTA 203

- Intersección R.221 - R.203 (Santa Marta)
- Lourdes
- Intersección R.203 - R.2 (San Pedro)

RUTA YERBABUENA

- Yerbabuena (Cercanías de Tres Ríos)
- Intersección R.251 - Calle hacia San Rafael

RUTA CIPRESES

- Puente sobre el río María Aguilar
- Intersección R.251 - Calle hacia Cipreses (Cercanías de Curridabat)

RUTA SANTA MARTA

- Intersección calle hacia Santa Marta - R.203
- Intersección R 2 - Calle hacia Santa Marta (Cercanías de San Pedro)

RUTA 218

- Vista de Mar
- Zona Industrial
- La Mora
- Ipís
- Intersección R.218 - R.216

RUTA ISLA

- Isla
- Intersección Vista de Mar - Calle a la Isla (Cercanías de Jaboncillal)

RUTA ROJIZO

- Rojizo
- Intersección en Finca Choreques
- Intersección R.216 - Calle hacia Finca Choreques (Cercanías de San Isidro)

RUTA 102

- Intersección R.216 - Calle hacia Finca Choreques
- Gemelas
- Dulce Nombre
- Intersección R.102 - R.216
- Trapiche
- San Antonio
- Intersección R.102 - R.220
- San Blas
- Intersección Avenida 1 - Calle 1 (San Vicente)

RUTA 220

- Intersección R.220 - R.102.
- Guayabal
- Alto Trinidad
- Paracito
- Puente río Para
- Intersección R.32 - R.220
- Intersección en San Miguel Sur
- Intersección R.220 - R.117

RUTA 308

- San Jerónimo
- Intersección R.308 - R.220

RUTA 117

- Intersección R. 116 - R. 117 (Los Ángeles)

- Intersección R.220 - R. 117
- Intersección R.32 - R.117 (Cercanías de Montero)

RUTA 116

- Intersección R. 116- R. 117 (Los Ángeles)
- San Vicente
- Santo Tomas
- Barquero
- Pacífica
- Intersección R.116 - R.5 (Santo Domingo)

RUTA SANTO DOMINGO

- Intersección San Vicente
- Santo Domingo
- Intersección Avenida 7 - R.5 (Santo Domingo)

RUTA ZAMORA

- Calle Zamora (Santa Rosa)
- Intersección Calle Zamora - R.5 (Quisqueya)

RUTA 129

- Intersección R.129 - Calle San Antonio de Belén
- Ribera
- Zona Industrial
- Geranios
- Llorente
- Intersección R.129 - R.3 (Cercanías San Joaquín)

RUTA ASUNCIÓN

- Intersección R.129 - Calle hacia La Asunción (Firestone)
- Intersección Calle hacia Arbolito - Calle hacia La Asunción
- Intersección Calle hacia Asunción - R.111 (Asunción)

RUTA ASUNCIÓN

- Intersección R.129 - Calle hacia San Antonio de Belén (Ribera)
- Intersección Calle 1 - R.111 (San Antonio)

RUTA 310

- Intersección Avenida 5 - R.310 (Santa Marta)
- Concepción
- Intersección R.310- R.27 (Chispa)
- Pozos
- Intersección Calle Pozos - Calle hacia Honduras
- Honduras

- Real de Pereira
- Intersección R.310 - R.27 (Cerro Coyote)
- Guachipelín
- Intersección R.310 - R.121

RUTA POZOS

- Intersección Calle hacia Pozos - Calle hacia Honduras
- Intersección Calle hacia Pozos - R.147

RUTA 121

- Río Oro
- Intersección R.121 - R.147 (Puente sobre Río Uruca)

RUTA 311

- Intersección Calle Cerro - R.311 (Cercanías de Salitral)
- Salitral
- Santa Ana
- Intersección R.311 - R. 121

RUTA INA

- Planta Eléctrica Electriona
- Planta Eléctrica San Antonio
- Finca Animas
- INA
- Intersección Calle hacia el INA - R.1 (Cercanías Hospital México)

RUTA 104

- Aeropuerto Tobías Bolaños
- Hispania
- Intersección R.104 - Calle Central (Pavas)

RUTA PAVAS

- Intersección R.104 - Calle María Reina (Cercanías de Pavas)
- Intersección Calle 10 - Avenida 5
- Intersección Avenida 5 - Calle 2
- Intersección Calle 2- Avenida 4
- Intersección Zona Industrial
- Intersección Calle Zona Industrial R.104

RUTA 214

- Intersección R.214 - R.209 (San Rafael Arriba)
- Intersección R.214 - Calle hacia Bambú
- Intersección R.214 - R.217 (San Rafael Abajo)

RUTA BAMBÚ

- Intersección R.214 - Calle hacia Bambú (Cercanías de San Rafael Arriba)
- Intersección Calle hacia Bambú - R.209 (Bambú)

RUTA 207

- Intersección R.207 - R.210 (Cercanías Damas Desamparados)
- Intersección R.207 - R.211 (San Francisco de Dos Ríos)

RUTA 204

- Intersección R.204- R.211 (San Francisco de Dos Ríos)
- Intersección R.204 - R.215 (Zapote)
- Intercambio R.204 - R.39
- Mangos
- Tabacalera
- Intersección R.204 - R.2 (Cercanías González Lahmann)

RUTA 409

- Intersección R4.09 - R.2 (Cercanías San Diego)
- San Diego
- Rincón de Mesen
- Río Azul
- Loma San Antonio
- Intersección R.409 - R.210 (San Antonio)

RUTA PANTANO

- Intersección Calle Pantano - R.101 (Balsa)
- Intersección Calle Pantano - R.100 (Escuela Esmeralda Oreamuno, Cercanías de Cinco Esquinas)

RUTA PIUSES

- Intersección Calle Pantano - Calle Piuses (Bajo Piuses)
- Intersección Calle Piuses - R.101 (Cercanías de La Uruca)

RUTA CALLE FLORENCIO CASTRO

- Intersección Calle Florencio Castro - R.101
- Calle Florencio Castro
- Quebrada Rivera
- Intersección Calle Vargas - R.166 (Cercanías de La Uruca)

RUTA ZONA INDUSTRIAL

- Intersección R.101 - R.100 (Uruca)
- Intersección Zona Industrial
- Calle paralela a Zona Industrial
- Intersección Calle a Zona Industrial - R.100

RUTA HATILLO

- Intersección Calle Costa Rica - R.39 (Hatillo 4)
- Intersección Calle Costa Rica - Avenida Central
- Intersección Avenida Central - R.110 (Hatillo)
- Calle Pipianes
- Intersección Calle Pipianes - R.214

RUTA SAN MARTÍN

- Intersección Calle 28 - Avenida 10 (San Martín)
- Calle 28
- Intersección Calle 28 - Avenida 26
- Zona Industrial
- Calle 26
- Intersección Calle 26 - Avenida 10 (San José)

RUTA AVENIDA 18

- Intersección Calle 9 - Avenida 18 (Cleto González Viquez)
- Avenida 18
- Intersección Avenida 18 - Calle 16
- Intersección Calle 16 - Avenida 14 (San José).

RUTA 167

- Intersección R.167 - R.104 (Esquina Suroeste de La Sabana)
- Intersección R.167 - R.27 (Esquina Sureste de La Sabana)

IV. ASSIGNMENT OF SCHEDULES.

The determination of the schedule for the transport of hydrocarbons is aimed at prohibiting the circulation of tanker trucks during peak hours on the main routes of the country in terms of traffic flows.

The routes considered of importance are shown in table 4.1. As you can observe it includes routes such as Highways, Bulevar Circunvalación, Radiales and routes close to the roundabouts (Rotondas). All of these are considered highly congested, in addition to being important routes.

Table 4.1 Routes Selected for the determination of schedules

ROUTES	DESCRIPTION
Ruta 2	Rotonda La Hispanidad
Ruta 108	Rotonda Gallito
Ruta 2 Ruta 1	Avenida 2 (Centro de San José) Paseo Colón
Calle Juan Santamaría Avenida Simón Bolívar	Calle 20 (Centro de San José) Avenida 8
Avenida San Martín	Avenida 10
Ruta 166	Radial Uruca
Ruta 3	Cercanías de la Intersección Pozuelo
Ruta 104	Pavas
Ruta 39	Circunvalación Este (Rotonda La Bandera)
Ruta 39	Circunvalación Sur (Rotonda Y Griega)
Ruta 213	Rotonda Paso Ancho
Ruta 214	Rotonda San Sebastián
Ruta 215	Rotonda Zapote
Ruta 210	Rotonda Hatillo
Ruta 1 (*)	Autopista General Cañas
Ruta 2 (*)	Autopista Florencio del Castillo
Ruta 27 (*) Ruta 32 (*)	Autopista Próspero Fernández Autopista Braulio Carrillo

(*) Vehicle counts on these routes are in the vicinity of San José.

Regarding schedules, the General Department of Traffic Engineering recommends that vehicles transporting hazardous materials should not circulate outside of the Metropolitan Area between six p.m. and five a.m., with Ruta 39 or the Bulevar Circunvalación as the limit. Within this area circulation will be allowed from six p.m. to 10 p.m.

The restriction on the circulation of said vehicles at night is because the driver's visibility decreases, and the response capacity of emergency units (Firemen, Ambulances, Traffic police, etc.) is much lower.

Vehicle counts corresponding to the abovementioned routes are shown in table 4.2. In addition, Annex C shows the time variation profiles, whereby you can visualize better the peak hours both in the morning and in the evening.

For Route 1 (General Cañas highway) there are four checkpoints where vehicle counts were performed. These are: Río Torres, Radial Alajuela, Antiguo Peaje and Manolos. For the peak period in the morning there is only one checkpoint that is not from 7:00 to 8:00 a.m., which is the Antiguo Peaje (old toll). However, at this checkpoint, the difference between the traffic volume between 7:00-8:00 and 8:00-9:00 is only 2%, therefore we can generalize that the morning peak period is from 7:00 to 8:00. For the evening period, all checkpoints showed that the peak is from 5:00 to 6:00 p.m.

For Route 2 there are five checkpoints, which show that the morning peak period is from 7:00 to 8:00 a.m., while for the evening the peak period is from 5:00 to 6:00 p.m. This same behaviour occurs on Route 3, which corresponds to the Radial Heredia in the vicinity of the Pozuelo Intersection.

On Prospero Fernandez Highway the morning peak period is from 7:00 to 8:00 a.m., with the exception of the checkpoint located by the Gimnasio Nacional, where it occurs from 8:00 to 9:00 a.m. As for the evening peak hour it undoubtedly occurs from 5:00 to 6:00 p.m.

For Bulevar Circunvalación there are seven vehicle counts along the entire route. These points are located near the roundabouts. The morning peak hour is from 7:00 to 8:00 a.m. The evening peak hour is from 5:00 to 6:00 p.m., with the exception of the checkpoint located near Hatillo 6. Here the evening peak hour is from 4:00 to 5:00 p.m. It is worth noting that on the Circunvalación there is a very important peak from 11:00 a.m. to noon. This peak should be considered, given that at several places it surpasses the peak periods corresponding to the morning and afternoon.

Other routes considered important are those that join Circunvalación through the different roundabouts. These are Routes 213, 214, 215 and 110. All of these routes have peak hours from 7:00 to 8:00 a.m. in the morning and 5:00 to 6:00 p.m. in the evening.

Another important route, due to the traffic flow and the abundance of service stations is Radial Uruca. The MOPT Planning Department has two checkpoints here. One is located on the bridge over Río Torres and the other in front of the plaza of La Uruca. For the first checkpoint the rush hour is from 8:00 to 9:00 a.m. in the morning and in the evening from 3:00 to 4:00 p.m. For the second checkpoint the morning peak is from 10:00 to 11:00 a.m., while the afternoon peak is from 4:00 to 5:00 p.m. In addition to these counts, according to recent studies conducted in the Radial Uruca (Duran, 1996) the morning peak hour occurs from 7:00 to 8:00 a.m. while the evening peak hour is from 5:00 to 6:00 p.m.

For the routes corresponding to downtown San Jose, the Planning Department does not have vehicle counts. However, the "Plan of Road Reordering for downtown San José" (LCR, Logistics, 1996) performed vehicle counts, showing that the morning peak period is from 7:00 to 8:00 a.m. and in the evening from 4:00 to 5:00 p.m."

According to the time variation profiles we can generalize that in most of the routes chosen for their traffic flow the morning peak period is from 7:00 to 8:00 a.m. The evening peak hour is from 5:00 to 6:00 p.m.

It is important to clarify that in some places the morning peak extends a little bit after 8:00 a.m. For the afternoon sometimes rush hour begins before 5:00 p.m. Consequently, we recommend restricting the circulation of vehicles transporting hydrocarbons from **7:00 to 8:30 a.m.** and from **4:30 to 6:00 p.m.** on the routes mentioned at the beginning of this chapter.

V. VERTICAL ROAD SIGNS.

In terms of road signs, in Costa Rica there is no sign related to the transportation of hazardous materials. Thus, we consulted various manuals on signalling, namely: United States Manual, Mexican Manual and the Spanish Manual. In the first two there is no sign corresponding to hazardous materials. In the Spanish Manual we found a sign that prohibits the passage of hazardous materials; however it is not very representative or known in our environment.

Having found no vertical sign, we created a design that is adequate for the correct information of the drivers who transport hazardous materials. The three types of signs considered necessary are the following:

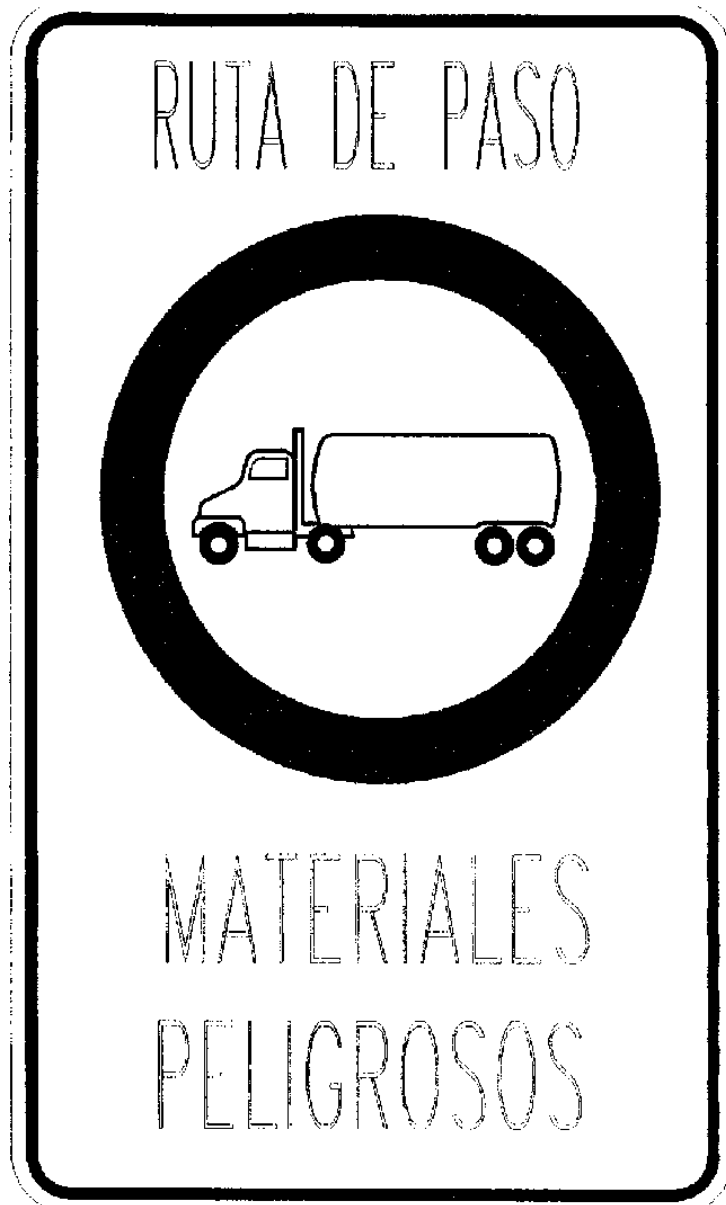
- Sign that allows the circulation of vehicles transporting hazardous materials for a specific route.
- Sign that prohibits the circulation of vehicles transporting hazardous materials for a specific route.
- Sign that restricts the circulation of vehicles transporting hazardous materials to the recommended times.

The signs described above are shown in figures 5.1, 5.2 and 5.3 respectively, and correspond to regulatory-type signs.

It is important to note that this work corresponds to a first stage in which only the transport of hydrocarbons is being considered. In subsequent stages the routes and schedules for the transport of gases and chemicals will be taken into account. Consequently, the recommended signs must be adapted to any hazardous substance.

The recommended signs can be used for the transport of any type of hazardous material. However, there must be a differentiation for each substance, since certain routes may coincide for the transport of two or more hazardous substances, or there is a possibility that a certain route is exclusively for the transport of a particular substance.

To be able to distinguish the type of substance transported, we recommend using different colours for the vehicle shown in the signs. The recommended colours are the following:







- Hydrocarbons: Orange
- Gases: Red
- Chemical Substances: Yellow

If there is the possibility that a route can be used for the transport of two or more hazardous substances, the vehicle must be coloured with the colours corresponding to the type of substance.

It is worth noting that the location of the sign is subject to a prior study, which shall be performed by the General Department of Traffic Engineering. In addition, the design of the vertical sign is also subject to variations that said Department deems appropriate.

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ANNEX 71

Note from the Chief of Post, Police Delegation of Sarapiquí, Costa Rica,
to the Regional Director of the Fourth Region-Heredia
Reference 1571-2010-DPS

27 September 2010

English Translation and Spanish Original



**Ministry of Public Security
General Direction of Public Force
Direction of Operations**

27 of September, 2010

No: 1571-2010- DPS

Commissioner
Daniel Calderón Rodríguez
Regional Director
Fourth Region- Heredia

Dear Mr.:

The following constitutes the statement prepared by agents, Eddy Gonzales Prado and Carlos Porras Campos, who belong to the Golfito Cureña Sarapiquí Police Station, in reference to a concern conveyed by Costa Ricans who reside in the Colorado River bank, border with Nicaragua, regarding the alleged departure clearance tax or the payment for the respective permit for navigation in the San Juan river, and which states as follows:

I hereby inform you as follows: on the day 09-18-2010, we departed at 8.00 hours, on the motorcycle 1362, drivers Carlos Porras Campos and Eddy González Prado headed to the Copalchi and Tambor sector to perform the usual preventive patrol, area surveillance, and to obtain Judicial documentation at the Sochil Corner Store, located in Tambor, they were approached by individuals Ramón Espinoza Gutiérrez residency number 155813163434, Omal Espinoza Gutiérrez identification number 2-0647-0980, Maria Aguilar Saiz residency number 155813864123, residents of Cureña, on the boat El Pescador; they affirmed that while they were headed to Delta Costa Rica, Nicaraguan members of the military in Boca of Sarapiquí, charged them a departure clearance tax of one thousand colones and said that the document had to be presented at the Delta Costa Rica, once they headed back to Cureña they had to pay the departure clearance tax once again in the Delta Station and deliver it to Boca de Sarapiquí, this would apply to all the vessels that navigated the San Juan River.

It is important to mention that people are concerned because such actions are against the sentence issued in July 2009 by the International Court of Justice (ICJ), The Hague organization, in which Costa Rica's right of free navigation, with purposes of commerce in the San Juan River are recognized, including the transportation of passengers and tourists.

Although it is true that (ICJ) underscored Nicaragua's sovereignty over the river, it also established that that is not "without limits" and that its why it rejected that Managua has the right to ask for visas or tourism permits to the tourists that travel on Costa Rican boats, It also denied to Nicaragua the right to require the payment of a departure certificate for Costa Rican boats.

With no further information for the time being, and in hopes of informing you accordingly;

Yours truly,

Sub intendente
Elder Monge Castro
Jefe de Puesto
Police Delegation of Sarapiquí



Ministerio de Seguridad Pública
 Dirección General de la Fuerza Pública
 Dirección de Operaciones


Oficio N° 065-2010-DO
 25 de noviembre de 2010

Licenciado
 Arnoldo Brenes Castro
Asesor del Ministro
Ministerio de Relaciones Exteriores y Culto

Estimado Señor:

De acuerdo a conversación sostenida, le remito oficio original N° 1571-2010-DPS enviado al Comisario Daniel Calderón Rodríguez, Director Regional de Heredia, suscrito por el Sub Intendente Elder Monge Castro, Jefe de la Delegación Policial de Sarapiquí, mediante el cual hace referencia a inquietud interpuesta por los ciudadanos que residen en la ribera del Río San Juan, Frontera con Nicaragua, sobre el supuesto cobro de Zarpe o pago por el respectivo permiso de navegación sobre dicho río.

Sin otro particular, se suscribe atentamente,


 Comisionado Milton Alvarado Navarro
Director a.i.



c: Comisario Juan José Andrade Morales, Director General de la Fuerza Pública a.i.
 archivo
 asg



**MINISTERIO DE SEGURIDAD PÚBLICA
DELEGACIÓN POLICIAL DE SARAPIQUI**

Email: delta58r4@gmail.com



Lunes 27 de setiembre de 2010.

Oficio Número:1571 -2010-DPS

Comisario.

Daniel Calderón Rodríguez.

Director Regional.

Región Cuarta – Heredia

Estimado señor:

Le transcribo informe realizado por los agentes; Eddy Gonzales Prado y Carlos Porras Campos, destacados en el puesto Policial de golfito Cureña Sarapiquí, referente a inquietud interpuesta por ciudadanos costarricenses que residen en la ribera del Rio San Juan, Frontera Con Nicaragua, sobre el supuesto cobro de Zarpe o pago por el respectivo permiso de navegación sobre el rio San Juan, y que a la letra dice;

Por la presente le informo lo siguiente: el día 18-09-2010, salimos a las 08:00 horas, en la moto 1362, chofer Carlos Porras Campos y Eddy González Prado al sector de Copalchi y Tambor a realizar un patrullaje preventivo, abordaje de personas y sacar papelería Judicial en pulpería Sochil que se encuentra ubicada en Tambor se abordaron a Ramón Espinoza Gutiérrez cedula de Residencia 155813163434, Omal Espinoza Gutiérrez cedula 2-0647-0980, la señora María Aguilar Saiz cedula de residencia 155813864123, vecinos de Cureña en la embarcación El Pescador; quienes indicaron que los señores del ejército de Nicaragua de Boca de Sarapiquí cuando iban para Delta Costa Rica les cobraban un zarpe con el valor de mil colones y que el documento tenían que entregarlo en el Puesto de Delta Costa Rica, cuando venían para Cureña tenían que volver a pagar



**MINISTERIO DE SEGURIDAD PÚBLICA
DELEGACIÓN POLICIAL DE SARAPIQUÍ**

Email: delta58r4@gmail.com



el zarpe en el Puesto de Delta y entregarlo en Boca de Sarapiquí y así todas las embarcaciones que viajan por el Río San Juan.

Cabe mencionar que la inquietud de los ciudadanos obedece a que dicha acción se contrapone a la sentencia promulgada en julio 2009, por la Corte Internacional de Justicia (CIJ), Organismo de la HAYA, y en la cual reconoce la libre navegación de Costa Rica por el río San Juan con 'fines de comercio', lo que incluye el transporte de pasajeros y turistas.

Si bien es cierto que la (CIJ) subrayó la soberanía de Nicaragua sobre el río, también estableció que ésta no es "ilimitada", por lo que por ejemplo negó que Managua tenga derecho a pedir visados o permisos de turismo a los turistas en barcos costarricenses, También negó a Nicaragua el derecho de exigir pago por el certificado de partida de las embarcaciones de Costa Rica.

Sin más por el momento y en espera de haberle informado para lo que corresponda, se suscribe;

Atentamente.

Elder Monge Castro
Sub intendente
Elder Monge Castro
Jefe de Puesto.
Delegación Policial de Sarapiquí



ANNEX 72

Manuel Coronel Kautz, Vice-Minister of Foreign Affairs of Nicaragua and
Designated Chairman of the Canal Authority of Nicaragua.
Grand Canal of Nicaragua Project

June 2012.

Grand Canal of Nicaragua Project

by

Manuel Coronel KAUTZ*

SUMMARY. — The creation of an inter-oceanic passage through Nicaragua has been of historic interest among the great powers in the world. Nicaragua offers a natural passage between the Atlantic and the Pacific Ocean and is ready to respond to the worldwide need of a new inter-oceanic canal in the Americas.

At present, vessels larger than those allowed by the Panama Canal (Panamax) face higher costs and many more days of navigations (up to US\$2 million and 36 additional days per inter-oceanic voyage, depending on the route). The Grand Nicaragua Canal will open the possibility of fast transit for post-panamax super container cargo ships.

Some 200 million metric tons (MT) pass through the Panama Canal annually, 2.9% of the world maritime freight. With its projected expansion, in order to allow passage of mid-size ships, the Panama Canal could capture some 300 million MT in 2019, with a share of 3% of world maritime freight or approximately one third of the potential demand, which is now estimated at 912 million MT. Furthermore, the construction of ships larger than those which will pass through the expanded Panama Canal makes a wider passage between the two oceans a world trade necessity. For these reasons, both Panama and the Grand Nicaragua Canal routes are complementary and not competitive.

In terms of trade, Latin America and Asia are the fastest growing regions in the world. The Grand Canal will increase the efficiency of the maritime transport system, reducing costs by decreasing the navigation days per trip and promoting economies of scale, allowing for an expanded capacity of the maritime fleet. This will enhance the competitiveness and accessibility of products to markets currently unexploited due to transport time and costs. Thus, the canal will promote inter-oceanic trade flows, thereby improving the conditions for world economic integration.

Nicaragua's unique geographical location with the lowest lands in the center of the American continent and a very short distance between the Atlantic and Pacific oceans, as well as abundant hydrological resources, make it a most suitable location for the construction of the Grand Canal. Six possible routes within its territory have been considered. However, the San Juan River – Great Lake – Rivas route appears to be the most possible alternative due to be the shortest and with apparent lower construction costs, ample water availability, minimal environmental impact and regional integration considerations.

The investment costs of the construction of the permanent and temporary civil works, including one major port at each entry point are approximately US\$15 to 18 billion. In order to provide the best possible conditions for this investment, the project will be governed by a Special Legal Framework established under the principles of international law. This will include the possibilities of granting a concession or developing a public-private association (PPA) to carry out its design, construction, financing, operation and maintenance, including the prerequisite feasibility and environmental impact studies.

* Vice minister of Foreign Affairs of Nicaragua and Designated Chairman of the Grand Canal Authority of Nicaragua.

**A la recherche d'un passage interocéanique:
Les Belges et le Canal du Nicaragua**

par

John EVERAERT*

MOTS-CLES. — Nicaragua, Belges, Diego de Mercado, De Puydt.

RESUME. — Déjà au temps des Espagnols, vers 1620, le vieux rêve de remplacer le passage difficile, insalubre et vulnérable de l'isthme de Panama par une alternative se manifestait dans le projet du «Flamand» Diego de Mercado, proposant la combinaison du Rio San Juan, du lac de Nicaragua et d'une route terrestre vers le Pacifique. Mais ce n'est qu'au 19^e siècle que ce plan fut repris par la jeune Fédération des Républiques de l'Amérique Centrale, lorsqu'un accord secret fut conclu avec l'Américain Palmer, concession rendue publique par l'observateur hollandais Vermeer. Très vite, le Royaume Uni des Pays-Bas envoyait en 1827-28 une commission technique, composée d'ingénieurs hollandais et belges. Notre révolution de 1830 torpédait cette initiative.

Une nouvelle opportunité se présentait dans la marge de la colonisation belge à Santo Tomás de Guatemala. Parallèlement, la compagnie belge, sous l'égide de l'ingénieur militaire Remi De Puydt, essayait de concrétiser le plan. En 1844, le Nicaragua se mettait non seulement d'accord pour faire construire le canal, mais offrait également le protectorat sur le pays. Mais le projet – difficilement réalisable du point de vue technique – se heurtait à la résistance britannique et s'avortait finalement avec la déconfiture de la compagnie belge de colonisation.

De nouveau, en 1861-63, le belge Lucien De Puydt prospectait l'isthme du Darien pour compte d'une société parisienne d'un canal colombien, celui-ci en concurrence avec le projet bien élaboré de F. Belly. Toutes ces initiatives prématurées aboutissaient finalement dans l'entreprise de F. de Lesseps au Panama.

* Département d'Histoire coloniale et maritime / Universiteit Gent (Belgique), Membre de l'Académie Royale des Sciences d'Outre-Mer. E-mail: john.everaert@UGent.be

**The Nicaragua Interoceanic Crossing:
Past, present and future opportunities for Nicaragua and world commerce**

by

Donald BOSCO*

SUMMARY. — Dr. Bosco will briefly review the history of the canal projects proposed for Nicaragua, since King Felipe II of Spain ordered the study of a canal through Nicaragua in 1567. In 1850, when “gold fever” was all the rage in the United States, efforts to transport cargo from one coast of the USA to the other became focused on the San Juan River and Lake Nicaragua. Among these proposals, the Nicaraguan Interoceanic Railroad and Ports Project, being developed by the **CANAL INTEROCEANICO DE NICARAGUA, S.A., (CINN)**, was first to appear with a concrete and financially feasible plan, known popularly as the “Dry Canal”. CINN has pursued this proposal determinedly since 1995, working with Nicaragua Government to create the legal foundation for such a large foreign investment in Nicaragua. CINN’s proposal consists of the construction of two deep-water ports, one in the Caribbean and the other in the Pacific, united by a railway to transport ocean freight containers along the approximately 377 km-long route.

* President of the Nicaraguan Interoceanic Railroad & Ports Project (USA). E-mail: don@boscolaw.us



The Royal Academy for Overseas Sciences

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Permanent International Association for Navigation
Congresses
The World Association for Waterborne Transport
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are pleased to invite you to the

*International Colloquium
Interoceanic Canals and World Seaborne Trade:
Past, Present and Future*

7, 8 and 9 June, 2012

Paleis der Academiën — Palais des Académies
Hertogsstraat 1 — rue Ducale 1
1000 Brussels

Thursday 7 June 2012:

13.30 Registration

14.30 Welcome Address

Jacques CHARLIER, President of the Royal Academy for Overseas Sciences (Belgium)

State-of-the-Art Lectures

14.45 Honoreus PAELINCK, member of the Royal Academy for Overseas Sciences (Belgium)
Changes in world economy and the effect on world shipping

15.15 Geoffroy CAUDE, President of the Permanent International Association for Navigation Congresses, PIANC (France)
PIANC's role in the design of new major projects and the specific services it can provide to emerging countries

15.45 Theo NOTTEBOOM, President of the Institute of Transport and Maritime Management Antwerp, *Universiteit Antwerpen* & member of the Royal Academy for Overseas Sciences (Belgium)
Competition between the Suez Route and the Cape Route in international container shipping

16.15 Coffee Break

16.45 Yann ALIX, SEFACIL Foundation (France), Valérie LAVAUD-LETILLEUL, Montpellier University (France) & Jacques CHARLIER, *Université Catholique de Louvain* & member of the Royal Academy for Overseas Sciences (Belgium)
The Panama Canal in the Container Era

17.15 Michel MARGNES, President of the *Compagnie Nationale du Rhône*, CNR (France)
Nouveau Canal de Panama, conception et étude des nouvelles écluses

Friday 8 June 2012

9.30 John EVERAERT, hon. professor *Universiteit Gent* & member of the Royal Academy for Overseas Sciences (Belgium)
A la recherche d'un passage interocéanique. Les Belges et le Canal du Nicaragua

9.50 Donald BOSCO, President of the Nicaraguan Interoceanic Railroad & Ports Project (USA)
The Nicaragua Interoceanic Crossing: Past, present and future opportunities for Nicaragua and world commerce

10.10 Peter HALL, Urban Studies Program, Simon Fraser University (Canada) & Pamela STERN, Department of Sociology and Anthropology, Simon Fraser University (Canada)
Waiting to transit the Isthmus: Vancouver's ports and the Panama Canal

10.30 Discussion

11.00 Coffee Break

- 11.30 Petra DRANKIER, Netherlands Institute for the Law of the Sea, Utrecht University (Netherlands)
Connecting China overseas through the marine Arctic: Legal implications and geopolitical considerations
- 11.50 Robert MCCALLA, Department of Geography, Saint-Mary's University (Canada) & Jacques CHARLIER, *Université Catholique de Louvain* & member of the Royal Academy for Overseas Sciences (Belgium)
Cruise shipping in the Overpanamax Era
- 12.10 César DUCRUET, Centre National de la Recherche Scientifique, Géographie-Cités, Sorbonne University (France) & Olivier JOLY, Le Havre University (France)
The Polarization of global container flows by interoceanic canals
- 12.30 Discussion
- 13.00 Lunch
- 14.30 Danielle DE LAME, Ethnosociology & Ethnohistory Research Unit, Royal Museum for Central Africa & member of the Royal Academy for Overseas Sciences (Belgium)
Connected by oceans, parted by land
- 14.50 Sara RICH, Department Ancient Near Eastern Studies, *Katholieke Universiteit Leuven* (Belgium)
Shiver My timbers! No cedar ships in Middle Ages?
- 15.10 Nora MAREL, *Laboratoire Géolittomer*, Nantes University (France)
The Strait of Gibraltar: New challenges around a strategic chokepoint
- 15.30 Discussion
- 16.00 Coffee Break
- 16.30 Nora MAREL, *Laboratoire Géolittomer*, Nantes University (France), Jacques GUILLAUME, *Laboratoire Géolittomer*, Nantes University (France) & Jacques CHARLIER, *Université Catholique de Louvain* & member of the Royal Academy for Overseas Sciences (Belgium)
The Suez Canal in the Container Era
- 16.50 Eric CARREY, Colonel, état-major de l'Armée de Terre (France)
Piracy in the Indian Ocean and the Red Sea
- 17.10 Discussion
- 17.30 Conclusion
Christian DE MEYER, President of the "Strategies & Development" Commission of the Royal Academy for Overseas Sciences (Belgium)

Saturday 9 June 2012

Post-Conference Tour: Visit of the Port of Antwerp

EL NUEVO DIARIO.com.ni

Nicaragua expone en Bruselas "bondades" del Canal Interoceánico

Viceministro Manuel Coronel Kautz, participa en la conferencia internacional "Canales Interoceánicos y el Comercio Marítimo Internacional: Pasado, Presente y Futuro", convocada por la Academia Real de Ciencias Marítimas del Reino de Bélgica

elnuevodiario.com.ni - -

Una capacidad para "servir" el paso de buques de 250,000 toneladas; una planta hidroeléctrica que genere 200 megavatios extra al sistema nacional de electrificación y una capacidad para irrigar 600,000 hectáreas de las planicies del Pacífico del país, son algunas de las "bondades" del Canal Interoceánico, según la exposición que hizo hoy el Viceministro de Nicaragua, Manuel Coronel Kautz, en Bruselas.

Durante su ponencia ante los asistentes a la Conferencia Internacional "Canales Interoceánicos y el Comercio Marítimo Internacional: Pasado, Presente y Futuro", convocada por la Academia Real de Ciencias Marítimas del Reino de Bélgica, Coronel Kautz señaló que "actualmente, el tránsito entre los dos océanos (Atlántico y Pacífico) se realiza a través del Canal de Panamá, que fue construido sobre las bases y consideraciones de fines del Siglo XIX y en la actualidad es insuficiente para el flujo de los pesados barcos cargueros que se esperan en las próximas décadas".

El Viceministro nicaragüense expresó que la construcción del Canal en Nicaragua "abre perspectivas para nuevos flujos de comercio internacional, sin que esto conlleve una afectación al tránsito a través del Canal de Panamá". Con esta explicación, Coronel Kautz aclaró que Nicaragua no pretende competir con Panamá, sino, más bien, "complementar" el trabajo que actualmente realiza ese país.

"Algunos países han expresado su interés de encontrar la manera de reducir los elevados costos del transporte marítimo", señaló Coronel Kautz en su intervención, para luego añadir que "Japón, por su falta de recursos naturales, depende de la importación de estos recursos que están disponibles en el Atlántico de América".

"China busca cómo intensificar su comercio internacional. Los Estados Unidos de América necesitan transportar la producción petrolera de Alaska hacia los centros de consumo de su Costa Este. Brasil anualmente transporta millones de toneladas de broza de hierro hacia Japón", enumeró el diplomático nicaragüense al justificar la necesidad de la construcción de la obra canalera.

Durante su exposición, Coronel expresó que el megaproyecto está basado en tres grandes principios como son el interés social, la preservación del medioambiente y la necesidad de agua y su uso estratégico para el futuro.

"Consecuentemente, para el Estado de Nicaragua es de supremo interés, por encima de todo lo demás, asegurar que esta obra llene sus expectativas de progreso", enfatizó Coronel Kautz en su exposición, a cuyo texto tuvo acceso EL NUEVO DIARIO.

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Histórico

En 1959 la Academia recibió su denominación y sus funciones actuales y desde entonces siguió ajustando sus actividades a los cambios, a veces a los trastornos, que conocieron los países de ultramar.

Durante varias décadas, las actividades de la Academia se centraron principalmente sobre Africa a la cual queda ligada tradicionalmente. Sin embargo, sus centros de interés se han diversificado estos últimos años y la Academia ha adquirido un carácter internacional anudando relaciones con una gama extendida de organismos científicos tal como lo prueban los acuerdos de cooperación firmados con la UNESCO, el "Koninklijk Instituut voor de Tropen " (Países Bajos), el "Instituto de Higiene e Medicina Tropical " y el "Instituto de InvestigaçãO Científica Tropical " (Portugal), la "Third World Academy of Sciences " (Italia), la "Chinese Academy of Sciences " (China) o la Academia Nacional de Ciencias (Bolivia).

No obstante la Academia no ignora el conocimiento del pasado y trata de ser la memoria de los tiempos cumplidos que entiende a la luz del presente, incluso el periodo colonial durante el cual fue creada.

Fue en efecto bajo la denominación de "Institut Royal Colonial Belge" que nuestra Institución fue fundada en 1928 e inaugurada en 1929 por el Ministro Henri Jaspar. El territorio sobre el cual tenía competencias se situaba entonces exclusivamente en el Congo belga. En 1931, el Instituto adquirió una más amplia libertad de acción gracias a la personalidad civil que supone una existencia autónoma, la posesión de un patrimonio así como la posibilidad de recibir donativos y legados.

Rebautizada "Académie Royale des Sciences Coloniales " en 1954, nuestra Casa se convirtió en 1959 en la actual "Académie Royale des Sciences d'Outre-Mer".

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ANNEX 73

Ministry of Foreign Affairs and Worship of Costa Rica

New works in the Northeastern Caribbean Wetland. Report to the Executive Secretariat of the Ramsar Convention on Wetlands.

July 2013

English translation



**Ministry of Foreign Affairs
Republic of Costa Rica**

NEW WORKS IN THE NORTHEAST CARIBBEAN WETLAND

**Report for the Executive Secretariat of the
Ramsar Convention on Wetlands**

July 2013

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1. Background

As a result of the occupation and use of the Costa Rican territory in the area of Finca Aragón, Isla Portillos, carried out illegally by Nicaragua in October 2010, which also included environmental damages to the area, on November 18 of that year Costa Rica filed an application before the International Court of Justice (ICJ) accompanied by a request for provisional measures. The Costa Rican territory that was occupied and damaged by Nicaragua is part of the Northeast Caribbean Wetland (*Humedal Caribe Noreste*, hereinafter “HCN”) which is a Ramsar site, registered in the list of wetlands of international importance of the Ramsar Convention since March 20, 1996. Due to this circumstance and in compliance with the provisions in paragraph 3 of the Convention on Wetlands of International Importance, especially as a waterfowl habitat, known as the Ramsar Convention, Costa Rica informed the Ramsar Secretariat of the facts, on the grounds that they were altering the ecological balance of the wetlands. The Ramsar Convention entered into force on 21 December 1975, and it was signed by Costa Rica and adopted as a law of the Republic through Act No. 7224, published in the Gazette N ° 86 of 8 May 1991

In the Order of Provisional Measures issued by the ICJ on 8 March 2011, the following provision was included:

*“86. For these reasons,
THE COURT,
Indicates the following provisional measures:*

*(1) Unanimously,
Each Party shall refrain from sending to, or maintaining in the disputed territory, including the caño, any personnel, whether civilian, police or security;*

*(2) By thirteen votes to four,
Notwithstanding point (1) above, Costa Rica may dispatch civilian personnel charged with the protection of the environment to the disputed territory, including the caño, but only in so far as it is necessary to avoid irreparable prejudice being caused to the part of the wetland where that territory is situated; Costa Rica shall consult with the Secretariat of the Ramsar Convention in regard to these actions...”*

In accordance with the provisions of the ICJ in this paragraph, the Ministry of the Environment, Energy and Telecommunications (*Ministerio del Ambiente, Energía y Telecomunicaciones*, MINAET) of Costa Rica created a group of national experts so that along with three experts appointed by the Ramsar Secretariat a Joint Mission would be integrated to perform an environmental assessment on the status of the resources in the area indicated by the ICJ to determine the actions necessary to prevent further irreparable damage to that part of the wetland. Said visit was conducted on 5 and 6 April 2011. The conclusions of the visit and the corresponding work plan were presented to the Ramsar Secretariat in October 2011 in the document "First Technical Report for the Initial Evaluation and

Assessment of the Environmental Situation in the Northeast Caribbean Wetland within the framework of the Order of the International Court of Justice".

On the other hand, the Order of Provisional Measures of 8 March 2011 included the following considerations paragraph:

"78. Whereas, in order to prevent the development of criminal activity in the disputed territory in the absence of any police or security forces of either Party, each Party has the responsibility to monitor that territory from the territory over which it unquestionably holds sovereignty, i.e., in Costa Rica's case, the part of Isla Portillos lying east of the right bank of the caño, excluding the caño; and, in Nicaragua's case, the San Juan river and Harbour Head lagoon, excluding the caño; and whereas it shall be for the Parties' police or security forces to co-operate with each other in a spirit of good neighbourliness, in particular to combat any criminal activity which may develop in the disputed territory;"

This paragraph requires both countries to provide security to the area from their corresponding territories which are not in dispute. In the case of Costa Rica, since their police cannot navigate the San Juan River to reach the area, this provision meant having to establish new police posts, as well as infrastructure to enable effective monitoring, such as towers and surveillance cameras.

Moreover, the occupation and use of Costa Rican territory and environmental destruction carried out by Nicaragua in the area of Isla Portillos in October 2010 was later accompanied by other hostile acts by that country, which evidenced Nicaragua's intention to entirely ignore the border regime. For example, in November 2010 President Daniel Ortega announced Nicaragua's intention to claim from Costa Rica a right to free navigation on Colorado River, which international instruments do not grant. Additionally, during the oral hearings relating to the request for provisional measures submitted by Costa Rica against Nicaragua before the International Court of Justice, the Nicaraguan Agent announced his country's position to ignore the regime of condominium in the bays of Salinas and San Juan del Norte. In addition, Nicaragua's representatives defended the -incorrect- legal position that according to the instruments that govern the border regime, Nicaragua has right to occupy Costa Rican territory and Costa Rica only would only be entitled to compensation. Subsequently, President Ortega threatened to reclaim the Costa Rican province of Guanacaste, and the Chief of the Nicaraguan Army announced his intention to stop Costa Ricans who visit the area indicated by the International Court of Justice in compliance with the Order of Provisional Measures of 8 March 2011.

In view of the threats to national security and territorial integrity from the Nicaraguan actions, Costa Rica, as a sovereign country and pursuant to the right to defend itself, has the power within the framework of international law of having the appropriate infrastructure that will allow its public authorities and inhabitants to transit easily along the border, as well as providing access to the border communities from other points in the interior of the country, if necessary, and to perform any act of defence of its territorial integrity. This is particularly important in the sector of Costa Rican territory where there was no other means of

communication apart from the San Juan River, on which navigation has been systematically restricted by the Nicaraguan authorities, despite Costa Rica's perpetual right to free navigation, established in the respective instruments and ratified in 2009 by the International Court of Justice.

As a first measure, the Government of Costa Rica initiated actions in December 2010 in order to allow access by land to the police post located at the Delta where the San Juan River forks and the Colorado River is born, site known as Delta 7 (see **Figure 1**). Thus, an existing route was rehabilitated between the Delta and the town of Fatima, which is located in the Northeast Caribbean Wetland. Later these works were extended to the West, along the border that runs along San Juan River, in order to allow not only the police and other Costa Rican institutions to have land access to different points of the national border area, but also to allow the inhabitants to move if necessary. Therefore, this road also has the function of reducing the dependence of the inhabitants of the border communities, and of the State institutions that provide basic health and education services, on the use of the San Juan River as the only way of communication that has traditionally existed in that area, given the restrictions imposed by Nicaragua to Costa Rican navigation on the San Juan River.

Within this context, the Government of Costa Rica issued Executive Decree No. 36440-MP published in The Gazette No. 46 of 7 March 2011, *Publication* no. 14 (see **Annex 1**), which ordered a "State of emergency situation and the process triggered by the violation of Costa Rican sovereignty by Nicaragua." Considering clause 5 of the Decree reads as follows:

"5. That Article 1 of Executive Decree No. 36440-MP, declares a State of Emergency in the cantons of La Cruz, Upala, Los Chiles, Sarapiquí, San Carlos and Pococí as these border with Nicaragua, a country that performs illegal actions on Costa Rican territory which threaten the life, physical integrity and property of its inhabitants, as well as against the national sovereignty and the environment"

This Decree also allowed protecting the works that have been performed in the Northeast Caribbean Wetland.

The foregoing background and context explain the reasons why the Government of Costa Rica saw the need to perform new works in the Northeast Caribbean Wetland. Below these works will be explained in greater detail.

2. The works

The works that are being built at the HCN consist of the installation of 2 new police posts (one at the entrance of the fresh water lagoon and the other at Punta Castilla) and the expansion of the one that already existed at Delta del Colorado; a biological station at Punta Castilla; four surveillance towers (two at Colorado Delta, one at the mouth of Agua Dulce Lagoon and one in Punta Castilla; and electrical connection and computer infrastructure named Isla Calero technological project. There is also a portion of Ruta 1856 located within the boundaries of the HCN,

therefore it is included in this report. Figure 1 shows the location of each of these works, which are described below. The exception is made that the area of the mouth of Agua Dulce Lagoon is located outside the limits of the HCN, but it has been included in this report due to its relationship with the other works.

2.1. New posts for the Public Forces and expansion of the existing post at Delta Colorado

On 26 December 2010 a police post was installed at the mouth of Agua Dulce Lagoon, using a house that already existed in the area of approximately 100 square meters (see **Figure 6**). In addition, it has a tower for video surveillance and protection of the sector, 60 metres high. Electricity was brought to this station with a line of approximately 10 km (see **Figure 7**), for which the corresponding permits were processed before the National Emergencies Commission (see **Annex 3**) and the National System of Conservation Areas, SINAC (see **Annex 4**).

On 15 January 2012 the improvements to the physical plant of the so-called Delta Costa Rica post (Delta 7) began, which already existed from the end of the 1970s of approximately 80 square metres. In addition, three containers were placed at this post, which serve as a sleeping area for the policemen posted to the area, and one which operates as an office (See **Figure 2**). These works are temporary, while the permanent works are built. In addition to the improvements to the physical structure, two towers were installed to perform video surveillance and protection of the sector, the first 60 metres high, on the south bank of the Colorado River and the second tower on the north bank of the Colorado River with a height of 30 metres (see **Figure 3**). Electricity was brought to this station with a line of approximately 25 km starting from La Aldea (see **Figure 4**), for which the corresponding permits were processed before the National Technical Environmental Secretariat (see **Annex 2**).

It has been planned to build in the future a new police station on the southwestern point of Isla Calero, on the left bank of the Colorado River, in front of the Delta 7 post.

On 25 January 2012 a police post was installed in the sector of Punta Castilla, with a **physical structure** of approximately 160 square meters. In addition, it has a tower that is 60 metres high. The power supply is based on solar panels. (See **Figures 8-14**)

2.2. Isla Calero Technological Project, Tower Infrastructure for Control and Surveillance

This project consists of the construction of four surveillance towers, located at the following sites: two in the Delta sector, one at post at the mouth of Agua Dulce Lagoon and the other at the post at Punta Castilla. **Figure 1** shows the four towers identified with letters A (post at Delta 7), B (Isla Calero, opposite the Delta 7 post on the opposite bank of the Colorado River), C (mouth of Agua Dulce Lagoon) and D (Punta Castilla). At the time of the visit of the Ramsar Technical Mission the towers were under construction, as shown in the photographic record included, but were subsequently concluded.

Initially the project contemplated the construction of 6 towers, but it was then adjusted to 4 in the areas defined as priority and shown in the figures included in this section of the report. The towers will have long range cameras (15 kms) to serve as a support for the national security strategy in the border area. While the process of acquisition of long-range cameras is completed, others with a smaller range have been installed temporarily.

The camera at Punta Castilla (D) receives electricity from photovoltaic cells, while the other three receive electricity through cables.

To provide electricity to the police station located at Delta 7 and to the surveillance towers and cameras (A and B), as well as for the benefit of the inhabitants of the area, a power distribution line was traced on the existing public street, 24.6 kilometres long, between the villages of Aldea and Delta, which also entails the installation of approximately 255 concrete posts, 11m high (see **Figure 4**). Furthermore, subsequently a submarine cable was installed under the bed of the Colorado River to provide electricity to tower B, located on the southwest point of Isla Calero (See **Figure 5**).

In the case of the police post, the tower and the camera at the mouth of Agua Dulce Lagoon (C), an electric distribution line was traced from the village of Barra del Colorado, with a distance of 10.9 km long (see **Figure 7**).

The Ministry of Public Security, with the technical support of the *Instituto Costarricense de Electricidad* (ICE), was responsible for the construction of these works. MINAET issued the corresponding guidelines, specifically for the Delta Costa Rica sector, so that the power line after the Delta was a submarine line.

ICE called this activity "Isla Calero Technological Project" and said Institute processed all of the environmental permits required under the Administrative File # D1-5901-2011-SETENA, obtaining the environmental feasibility of the project, approving the stage of Environmental Management stage subject to compliance with the environmental commitment clause.

The work was planned based on Executive Decree N° 36440, published in The Gazette No. 48 of 7 March 2011 and Agreement N° 330-2011 of 24 August 2011, as well as Agreement N° 363-2011 on 21 September 2011, both of the Board of Directors of the National Emergency Commission.

On the website of the Presidential House the work performed in the North area is explained in the following terms:

"In addition, thanks to a 24-km power line built by the Instituto Costarricense de Electricidad (ICE), more than 100 families of Fatima, San Antonio and Delta-Costa Rica, in the canton of Sarapiquí, Heredia and the border area with Nicaragua, benefited with electricity for the first time. This work -which represents an investment of ¢250 million colones- allows for the improvement of socio-economic, educational and safety conditions of the inhabitants of this region."

ICE filed before SETENA an application for approval of the environmental viability for the works of two power lines, one from Aldea to Delta Costa Rica and the other from Barra del Colorado to Agua Dulce. MINAET issued in administrative file N° TO01 - PCE-SU-00341-2012, the resolution ACTO-GWRN-OFAU-116-12 whereby

it grants permission to cut 324 trees and 183 coconut palms necessary for the project. The authorization was provided by ICE's "Área de Desarrollo de Guápiles" (Guápiles Development Area), which is responsible for the works on site.

In both projects ICE had the support of the Offices of the Tortuguero Conservation Area (ACTo). This conservation area analysed and reviewed the routes and made environmental recommendations.

The electric network of Aldea-Delta was already built and is in operation, while the electrification from Barra del Colorado to Agua Dulce is in process.

2.3. Biological Station

The Tortuguero Conservation Area, supported by the Emergency Plan approved by the CNE in attention to Executive Decree No 36440-MP, began the construction of a biological station at Punta Castilla, which measures approximately 162 m² (see **Figures 11** and **12**). This work was tendered through Institutional Purchases (*Proveeduría Institucional*), following the procedures established by CNE, and the blueprints were duly approved by the Costa Rican Association of Engineers and Architects, and the CNE conducted the corresponding monitoring of the work, as well as an external supervision performed by a company of specialists and consultants on this topic.

The creation of a biological station in the area of Isla Calero-Isla Portillos of the Northeast Caribbean Wetland area obeys the following objectives:

- Consolidate the management of the Northeast Caribbean Wetland through a research program that allows generating scientific information that will permit updating the management of the HCN and the management plans of the Barra del Colorado National Refuge and Tortuguero National Park.

- Create an appropriate programme for biological monitoring of the status of existing resources, mainly on Isla Calero, allowing management to take the necessary preventive and corrective measures.

- Consolidate a prevention and control programme to prevent the alteration of the existing natural resources.

MINAET hopes to achieve these goals through a research programme specializing on the subject, with the participation of national and foreign researchers, as well as a biological monitoring programme to measure the status of existing ecosystems, and finally a programme for prevention and control of natural resources to protect the biological diversity existing on Isla Calero-Isla Portillos and neighbouring sites.

It has been estimated that for the adequate functioning of the Biological Station 21 MINAET employees are required.

At the time of the visit of the Ramsar Technical Mission, the construction of the biological station had been completed in a satisfactory manner, and already had the accommodation equipment for lodging. Sanitation, adequate disposal and wastewater treatment works were finished in February 2013. **Figure 13** shows the waste treatment plant, while **Figure 14** shows the batteries that provide power from photovoltaic energy to the station. This aspect is particularly sensitive due to

the high groundwater levels existing on the site. Furthermore, as part of the research project, a utility vehicle for four people was acquired. It is expected that the Station will have a laboratory to handle the samples.

2.4. Ruta 1856

As indicated in the background section, a portion of Ruta 1856 is located within the limits of the HCN, between Delta 7 and the town of Fátima. This section can be seen in Figure 1, and it measures 14.9 kilometres. It has an average road width of 5.14 metres, and an average right of way of 21.42 metres. This was the first sector of Route 1856 that was built, and it consisted in the rehabilitation of an existing rustic road, so its construction did not alter at all the use of the existing soil prior to the work, given that it had already existed for many years, since it was the only way of communication, very limited, between Fátima and the Delta. Enabling this passage for vehicles originated in the need to allow land access to the Delta 7 police station, in order to facilitate their work in national defence.

The Government of Costa Rica is currently in process of creating the bid for the final plans of the entire Ruta 1856, for which the work was divided into five sections. The stretch from Delta 7-Boca Sarapiquí, which includes the sector of the route which passes through HCN, was opened to a bidding process through an abbreviated tender, so it is expected that the final plans will be available in the medium term.

NEW WORKS AT THE NORTHEAST CARIBBEAN WETLAND

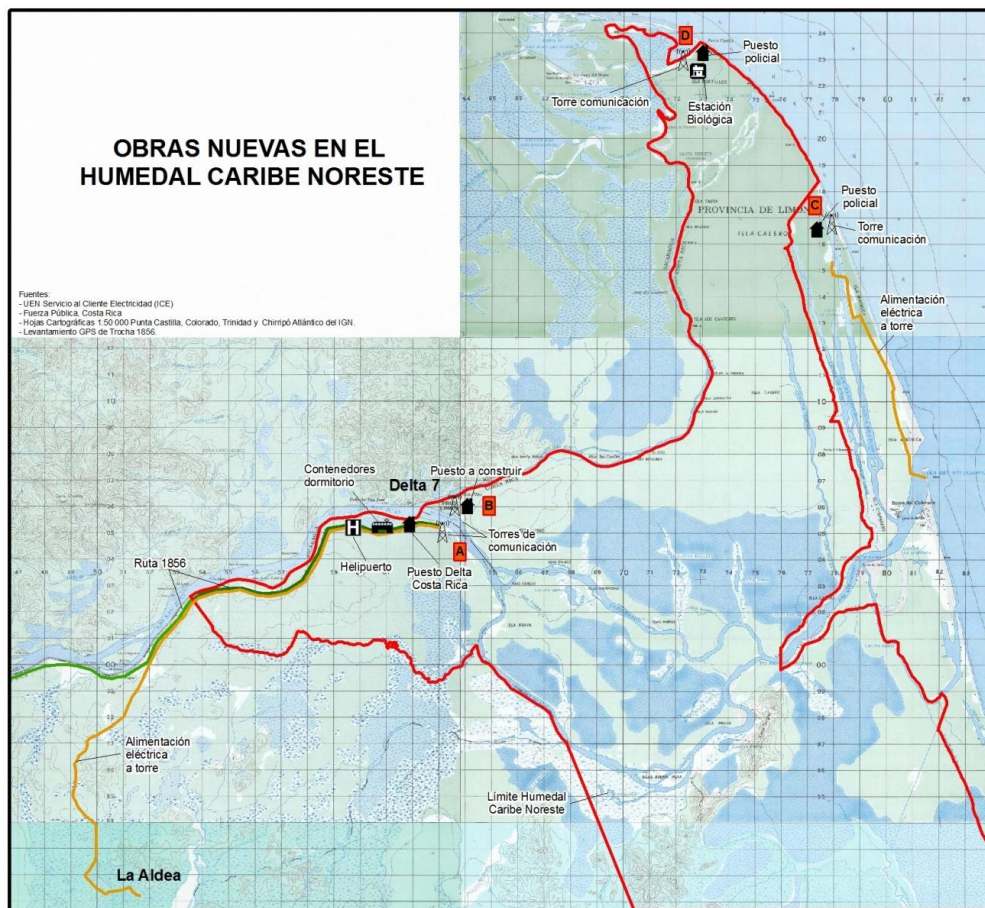


Figure 1: Illustrative map of the new works at the HCN



DELTA COSTA RICA TORRE A



Figure 2: Containers and construction of Tower A at Delta Post 7



Figure 3: Tower B at Isla Calero



ALIMENTACION ELECTRICA A TORRE A



Instituto Costarricense de Electricidad
 UEN - Servicio al Cliente
 Área de Desarrollo - Región Huetar Atlántica
 Caso: 2010-54-003 - Las Vegas del San Juan

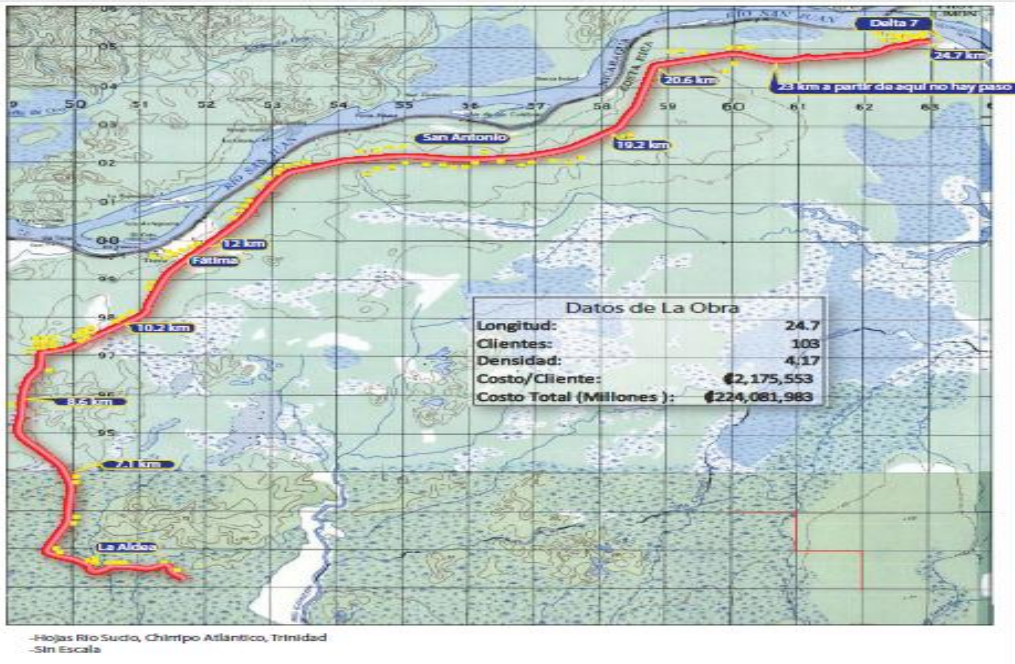


Figure 4: Power line for police post and Tower at Delta 7



Figure 5: Wiring for electrical connection of Tower B



Figure 6: Police post and Tower C at the mouth of Agua Dulce Lagoon

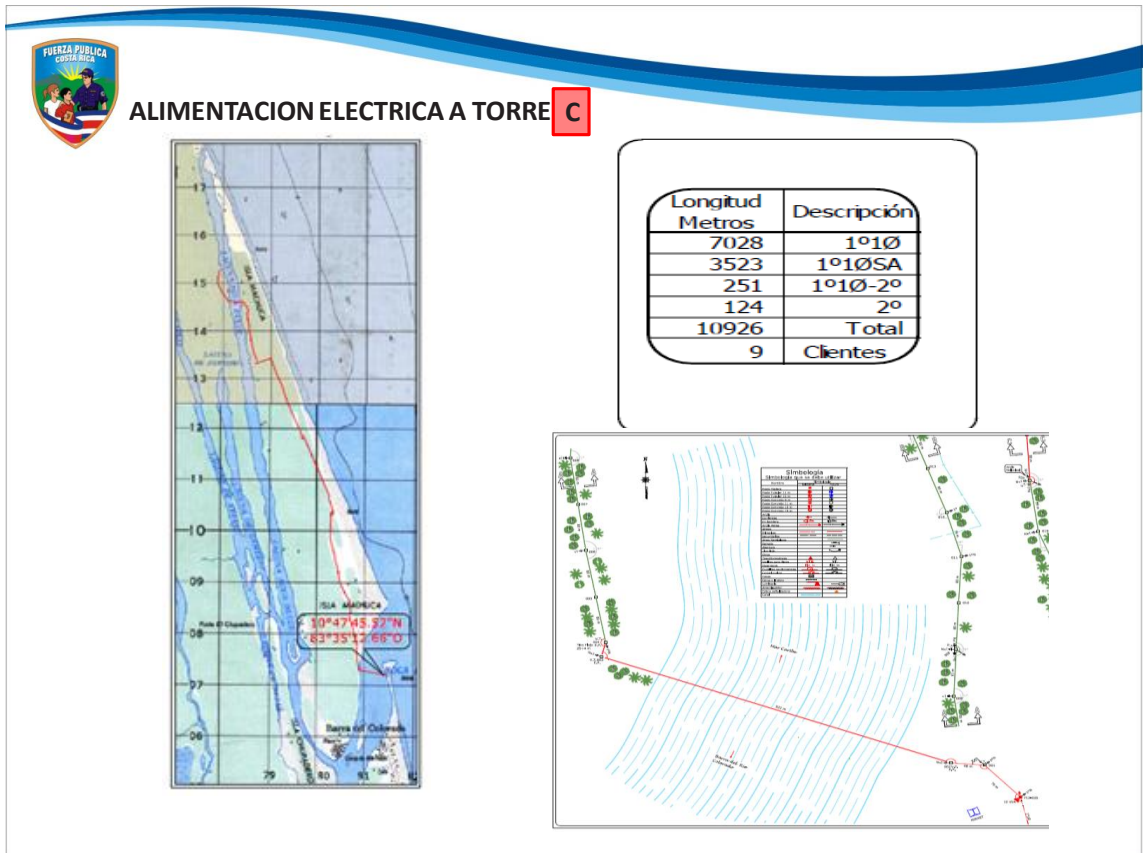


Figure 7: Power supply for police post and Tower C at the mouth of Agua Dulce Lagoon



Figure 8: Access to police post and Tower D at Punta Castilla



Figure 9: Police post at Punta Castilla



Figure 10: Tower D at Punta Castilla



Figure 11: Photograph of the side of the MINAET biological station



Figure 12: Bases of the MINAET Biological Station



Figure 13: Sewage treatment plant of the MINAET biological station



Figure 14: Photovoltaic electric system of the MINAET biological station

ANNEX 74

Report by the Director General of the Organization for the Prohibition of
Chemical Weapons on the Status of Implementation of Article VII of the
Chemical Weapons Convention as at 31 July 2014; Additional Measures for
States Parties that possess industrial Facilities which are declarable under
the Convention

Reference EC-77.7, C-19/DG.8

13 May 2014



OPCW

Executive Council

Seventy-Seventh Session
7 – 10 October 2014

EC-77/DG.7
C-19/DG.8
13 May 2014
Original: ENGLISH

REPORT BY THE DIRECTOR-GENERAL

**STATUS OF IMPLEMENTATION OF ARTICLE VII OF THE CHEMICAL WEAPONS
CONVENTION AS AT 31 JULY 2014: ADDITIONAL MEASURES FOR STATES
PARTIES THAT POSSESS INDUSTRIAL FACILITIES WHICH ARE DECLARABLE
UNDER THE CONVENTION**



Legislative and administrative implementation

1. In operative paragraph 1 of the decision on the follow-up to the plan of action regarding the implementation of Article VII obligations (C-10/DEC.16, dated 11 November 2005), the Conference of the States Parties (hereinafter “the Conference”) stressed that it is imperative for States Parties that had yet to fulfil their obligations under Article VII to do so without delay.
2. At the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the Third Review Conference”), the Conference “[e]ncouraged the Secretariat to explore innovative methods of providing assistance on tailor-made approaches as a potential means to further advance the implementation of Article VII” (paragraph 9.103(c) of RC-3/3*, dated 19 April 2013). Furthermore, the Technical Secretariat (hereinafter “the Secretariat”) was requested “to continue to submit its annual report on the implementation of Article VII to the Conference, and ... to include an assessment in this report, for consideration by the policy-making organs, containing a comprehensive and objective analysis of the current status of national implementation, with a view to tracking the progress made and formulation of focused assistance programmes” (paragraph 9.103(h) of RC-3/3*).
3. Pursuant to the request received from the Third Review Conference, and in close cooperation with States Parties, the Secretariat has updated the two matrixes included in the annual reports—the one addressing the initial measures taken by States Parties in accordance with Article VII and the second, listing additional measures—and is presenting them in two concurrent reports, as requested by the Conference (paragraph 8 of C-14/DEC.12, dated 4 December 2009).
4. In this context, on 28 February 2014, the Secretariat sent a note verbale to all States Parties requesting them to provide updates on the status of implementation of Article VII and to fill in the matrixes attached to the note verbale. At the cut-off date of the current report, 32 States Parties had replied to the note verbale and 29 had filled in and submitted the updated matrixes¹ (see Table 1).

TABLE 1: STATES PARTIES THAT HAVE FILLED IN THE UPDATED MATRIXES AND SUBMITTED THEM TO THE SECRETARIAT

Andorra	Croatia	Namibia*
Armenia	Cyprus	Netherlands
Austria	Czech Republic	Peru
Bangladesh	France	Senegal
Belgium	Iraq	Singapore*
Belarus	Italy	Sweden
Brazil	Japan	Thailand
Bulgaria	Kuwait*	Ukraine
China	Luxembourg	United Arab Emirates
Colombia	Malaysia	Viet Nam
Costa Rica	Mexico	

¹ States Parties identified by an asterisk (*) replied to the note verbale but did not fill in the matrixes.

5. The global status, as at 31 July 2014, of the relevant elements of legislative and administrative implementation is reflected in the tables below.

TABLE 2: OVERVIEW OF THE LEGISLATIVE IMPLEMENTATION OF THE CONVENTION

Article VII(5) submission received	150 (79%)
Legislation covers all initial measures	112 (59%) in full 32 (17%) in part
Legislation covers additional measures	94 (49%)
Text of adopted measures provided	133 (70%)

TABLE 3: STATUS OF ELEMENTS OF LEGISLATIVE AND ADMINISTRATIVE IMPLEMENTATION UNDER THE PURVIEW OF THE PRESENT REPORT, AS AT 31 JULY 2014

Indicators		Number and Percentage of States Parties Having Implemented the Measure
Control Regime (Including Penalties)		
Initial declarations for relevant industrial facilities		176 (93%) in full 5 (3%) in part
Licensing of Schedule 1 chemical production facilities		96 (51%) in full 1 (1%) in part
Reporting on production (including reporting on processing and consumption for Schedule 2)	Schedule 1	97 (51%) in full 14 (7%) in part
	Schedule 2	99 (52%) in full 13 (7%) in part
	Schedule 3	99 (52%) in full 14 (7%) in part
Declaration regime for other chemical production facilities (OCPF's)		100 (53%) in full 14 (7%) in part
Verification Regime (Including Penalties)		
Access to facilities and other inspection powers		99 (52%) in full 2 (1%) in part
On-site support from operators and staff		99 (52%) in full 2 (1%) in part
Confidentiality Regime (Including Penalties)		
Provisions ensuring the protection of confidential information		98 (52%) in full 2 (1%) in part

TABLE 4: EXPLANATION OF COLUMN HEADINGS IN THE TABLES CONTAINED IN THE ANNEX TO THIS REPORT

Heading	Explanation		
Control Regime (Including Penalties)			
Initial declarations for relevant industrial facilities	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to provide all information required for the initial declarations required under Article VI of the Convention.		
	Schedule 1	Schedule 2	Schedule 3
Licensing of Schedule 1 chemical production facilities	“X” indicates that the legislative/administrative measures establish licensing in line with paragraphs 8, 9, 10, 11 of Part VI of the Verification Annex.		
Reporting on production (including reporting on processing and consumption for Schedule 2)	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to fulfil the reporting requirements concerning production of Schedule 1 chemicals, as required under section D of part VI of the Verification Annex	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to fulfil the reporting requirements concerning production, processing and consumption of Schedule 2 chemicals, as required under section A of Part VII of the Verification Annex	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to fulfil the reporting requirements concerning production of Schedule 3 chemicals, as required under section A of part VIII of the Verification Annex
Declaration regime for OCPFs	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to provide all information required for the declaration, pursuant to paragraph 1 of Part IX of the Verification Annex and any update of that information (see paragraph 3 of Part IX of the Verification Annex).		
Verification Regime (Including Penalties)			
Access to facilities and other inspection powers	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to warrant OPCW inspectors access to the relevant facilities during the execution of inspection activities (including challenge inspections), pursuant to the relevant provisions of the Convention.		
On-site support from operators and staff	“X” indicates that the national legislation/regulations ensure that the State Party is in a position to ensure support from operators and staff of relevant facilities during the execution of inspection activities by the Organisation.		

Heading	Explanation
Confidentiality Regime (Including Penalties)	
Provisions ensuring the protection of confidential information	“X” indicates that the national legislation/regulations ensure the protection of confidentiality, pursuant to the relevant provisions of the Convention.

“(X)”, that is, X in brackets, in any of the above indicators means that the measure has been partially implemented.

Please note that the prohibition of certain activities can also be imposed by legal measures other than direct prohibitions. For example, when a licensing regime in a State Party ensures that no natural or legal person will be permitted to carry out an activity that is prohibited to States Parties under the Convention, then the column for the prohibition will be checked with the indication “X”.

Annex (English only):

Status of Implementation of Additional Measures for States Parties That Possess Industrial Facilities Which Are Declarable Under the Convention as at 31 July 2014

Annex

STATUS OF IMPLEMENTATION OF ADDITIONAL MEASURES FOR STATES PARTIES THAT POSSESS INDUSTRIAL FACILITIES WHICH ARE DECLARABLE UNDER THE CONVENTION AS AT 31 JULY 2014

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)			Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review											
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPFs	Access to Facilities			On-site Support	Provisions Ensuring the Protection of Confidential Information									
Schedule 1	Schedule 2		Schedule 3	Schedule 1	Schedule 2	Schedule 3	Access to Facilities	On-site Support			Provisions Ensuring the Protection of Confidential Information	Confirmation Regarding Article XI(2)(e) Review											
1	Afghanistan	X																					
2	Albania	X	X				X	X	X		X	X		X									X
3	Algeria	X	X				X	X	X		X	X		X									X
4	Andorra	X																					X
5	Antigua and Barbuda	X																					
6	Argentina	X	X				X	X	X		X	X		X									X
7	Armenia	X					X	X	X		X	X		X									X
8	Australia	X	X				X	X	X		X	X		X									X
9	Austria	X	X				X	X	X		X	X		X									X
10	Azerbaijan	X	X				X	X	X		X	X		X									X
11	Bahamas	X																					
12	Bahrain	X					(X)	(X)	(X)														X
13	Bangladesh	X	X				X	X	X		X	X		X									X

	State Party	Control Regime (Including Penalties)							Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review	
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPF's	Access to Facilities			On-site Support
Schedule 1	Schedule 2		Schedule 3	Schedule 1	Schedule 2	Schedule 3							
14	Barbados	X											
15	Belarus	X	X				X	X	X	X	X	X	X
16	Belgium	X	(X)				(X)	X	X	X	X	X	X
17	Belize	X											
18	Benin	X											
19	Bhutan	X											
20	Bolivia (Plurinational State of)	(X)						(X)	(X)	(X)	(X)		
21	Bosnia and Herzegovina	X	X				X	X	X	X	X	X	X
22	Botswana	X											
23	Brazil	X	X				X	X	X	X	X	X	X
24	Brunei Darussalam	X											
25	Bulgaria	X	X				X	X	X	X	X	X	X
26	Burkina Faso	X	X				X	X	X	X	X	X	X
27	Burundi	X	X				X	X	X	X	X	X	X
28	Cambodia	X					(X)	(X)	(X)				
29	Cameroon	X											X
30	Canada	X	X				X	X	X	X	X	X	X
31	Cabo Verde												

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C-19/DG.8

Annex
page 8

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review	
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPFs			Access to Facilities
Schedule 1	Schedule 2		Schedule 3	Schedule 1	Schedule 2	Schedule 3	Access to Facilities	On-site Support				
32	Central African Republic	X	X		X	X	X	X	X	X		
33	Chad	X										
34	Chile	X									X	
35	China	X	X		X	X	X	X	X	X	X	X
36	Colombia	X	X		X	X	X	X	X	X	X	X
37	Comoros	X			(X)	(X)	(X)					
38	Congo	X	X		X	X	X	X	X	X	X	
39	Cook Islands	X	X		X	X	X	X	X	X	X	
40	Costa Rica	X	X		X	X	X	X	X	X	X	X
41	Côte d'Ivoire	X			(X)	(X)	(X)					
42	Croatia	X	X		X	X	X	X	X	X	X	X
43	Cuba	X	X		X	X	X	X	X	X	X	X
44	Cyprus	X	X		X	X	X	X	X	X	X	X
45	Czech Republic	X	X		X	X	X	X	X	X	X	X
46	Democratic Republic of the Congo	X										
47	Denmark	X	X		X	X	X	X	X	X	X	X
48	Djibouti	X										
49	Dominica	X										X

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review		
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPFs			Access to Facilities	On-site Support
		Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3						
50	Dominican Republic	X											
51	Ecuador	X											
52	El Salvador	X										X	
53	Equatorial Guinea	X											
54	Eritrea	X											
55	Estonia	X	X		X	X		X	X	X	X	X	X
56	Ethiopia	X	X		X	X		X	X	X	X	X	X
57	Fiji	X	X		X	X		X	X	X	X	X	X
58	Finland	X	X		X	X		X	X	X	X	X	X
59	France	X	X		X	X		X	X	X	X	X	X
60	Gabon	X											
61	Gambia	X	X		X	X		X	X	X	X	X	X
62	Georgia	X											X
63	Germany	X	X		X	X		X	X	X	X	X	X
64	Ghana	X											
65	Greece	X										X	X
66	Grenada	X											
67	Guatemala	X											
68	Guinea	X											

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)		Confidentiality Regime		Confirmation Regarding Article XI(2)(e) Review
		Initial Declarations	Licensing of Production Facilities Schedule 1 Schedule 2 Schedule 3	Reporting on Production (Including Processing and Consumption for Schedule 2) Schedule 1 Schedule 2 Schedule 3	Declaration Regime for OCPFs		Access to Facilities	On-site Support	Provisions Ensuring the Protection of Confidential Information			
69	Guinea-Bissau											
70	Guyana	X										
71	Haiti											
72	Holy See	X	X	X	X	X	X	X	X	X	X	X
73	Honduras	X										
74	Hungary	X	X	X	X	X	X	X	X	X	X	X
75	Iceland	X										X
76	India	X	X	X	X	X	X	X	X	X	X	X
77	Indonesia	X	X	X	X	X	X	X	X	X	X	X
78	Iran (Islamic Republic of)	X	X	X	X	X	X	X	X	X	X	X
79	Iraq	X	X	X	X	X	X	X	X	X	X	X
80	Ireland	X	X	X	X	X	X	X	X	X	X	X
81	Italy	X	X	X	X	X	X	X	X	X	X	X
82	Jamaica	X		(X)	(X)	(X)	(X)					X
83	Japan	X	X	X	X	X	X	X	X	X	X	X
84	Jordan	X										X
85	Kazakhstan	X	X	X	X	X	X	X	X	X	X	X
86	Kenya	X										X

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review		
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPFs			Access to Facilities	On-site Support
			Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3					
87	Kiribati	(X)				(X)	(X)	(X)					
88	Kuwait	X											
89	Kyrgyzstan	X											X
90	Lao People's Democratic Republic	X											
91	Latvia	X	X			X	X	X	X	X	X	X	
92	Lebanon	X											
93	Lesotho	X	X			X	X	X	X	X	X	X	
94	Liberia	X				(X)	(X)	(X)					
95	Libya	X											
96	Liechtenstein	X	X			X	X	X	X	X	X	X	X
97	Lithuania	X	X			X	X	X	X	X	X	X	X
98	Luxembourg	X	X			X	X	X	X	X	X	X	X
99	Madagascar	X	X			X	X	X	X	X	X	X	
100	Malawi	X											
101	Malaysia	X	X			X	X	X	X	X	X	X	X
102	Maldives	X											
103	Mali	X					(X)	(X)					
104	Malta	X	X			X	X	X	X	X	X	X	X

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review			
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPFs			Access to Facilities	On-site Support	Provisions Ensuring the Protection of Confidential Information
			Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2	Schedule 3						
105	Marshall Islands	X												
106	Mauritania	X	X			X	X	X	X	X	X			
107	Mauritius	X	X			X	X	X	X	X	X			X
108	Mexico	X	X				X	X	X	X	X			X
109	Micronesia (Federated States of)	X	X			X	X	X	X	X	X			X
110	Monaco	X	X			X	X	X	X	X	X			X
111	Mongolia	X				(X)	(X)	(X)						X
112	Montenegro	X	X			X	X	X	X	X	X			X
113	Morocco	X	X			X	X	X	X	X	X			X
114	Mozambique	X												
115	Namibia	X												
116	Nauru	X												
117	Nepal	X												
118	Netherlands	X	X			X	X	X	X	X	X			X
119	New Zealand	X	X			X	X	X	X	X	X			X
120	Nicaragua	X												
121	Niger	(X)	X			(X)					X			(X)
122	Nigeria	X												

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review			
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPFs			Access to Facilities	On-site Support	Provisions Ensuring the Protection of Confidential Information
Schedule 1	Schedule 2		Schedule 3	Schedule 1	Schedule 2	Schedule 3	Access to Facilities	On-site Support						
123	Niue	X				(X)	(X)	(X)						
124	Norway	X	X			X	X	X	X	X	X	X	X	X
125	Oman	X	X			X	X	X	X	X	X	X	X	X
126	Pakistan	X	X			X	X	X	X	X	X	X	X	X
127	Palau	X	X			X	X	X	X	X	X	X	X	X
128	Panama	X							X	X	X	X	X	X
129	Papua New Guinea	X												
130	Paraguay	X												
131	Peru	X	X			X	X	X	X	X	X	X	X	X
132	Philippines	X												
133	Poland	X	X			X	X	X	X	X	X	X	X	X
134	Portugal	X	X			X	X	X	X	X	X	X	X	X
135	Qatar	X	X			X	X	X	X	X	X	X	X	X
136	Republic of Korea	X	X			X	X	X	X	X	X	X	X	X
137	Republic of Moldova	X	X			X	X	X	X	X	X	X	X	X
138	Romania	X	X			X	X	X	X	X	X	X	X	X
139	Russian Federation	X	X			X	X	X	X	X	X	X	X	X
140	Rwanda	X												
141	Saint Kitts and Nevis	X				(X)	(X)	(X)						

	State Party	Control Regime (Including Penalties)										Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review	
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Declaration Regime for OCPFs	Access to Facilities	On-site Support	Provisions Ensuring the Protection of Confidential Information				
Schedule 1	Schedule 2		Schedule 3	Schedule 1	Schedule 2	Schedule 3	Schedule 1	Schedule 2					Schedule 3			
142	Saint Lucia	X			X	X	X	X	X	X	X	X	X			
143	Saint Vincent and the Grenadines	X			X	X	X	X	X	X	X	X	X	X		X
144	Samoa	X			(X)	(X)	(X)	(X)								
145	San Marino	X														
146	Sao Tome and Principe	X														X
147	Saudi Arabia	X			X	X	X	X	X	X	X	X	X	X		
148	Senegal	X			X	X	X	X	X	X	X	X	X	X		X
149	Serbia	X			X	X	X	X	X	X	X	X	X	X		X
150	Seychelles	X														
151	Sierra Leone	X														
152	Singapore	X			X	X	X	X	X	X	X	X	X	X		X
153	Slovakia	X			X	X	X	X	X	X	X	X	X	X		X
154	Slovenia	X			X	X	X	X	X	X	X	X	X	X		X
155	Solomon Islands	(X)														
156	Somalia															
157	South Africa	X			X	X	X	X	X	X	X	X	X	X		X
158	Spain	X			X	X	X	X	X	X	X	X	X	X		X
159	Sri Lanka	X			X	X	X	X	X	X	X	X	X	X		X

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review	
		Initial Declarations	Licensing of Production Facilities			Reporting on Production (Including Consumption for Schedule 2)			Declaration Regime for OCPF			Access to Facilities
Schedule 1	Schedule 2		Schedule 3	Schedule 1	Schedule 2	Schedule 3						
160	Sudan	X	X		X	X	X	X	X	X		
161	Suriname	X										
162	Swaziland	X										
163	Sweden	X	X		X	X	X	X	X	X	X	X
164	Switzerland	X	X		X	X	X	X	X	X	X	X
165	Syrian Arab Republic											
166	Tajikistan	X										
167	Thailand	(X)	X		X	X	X	(X)	(X)	(X)	X	X
168	The former Yugoslav Republic of Macedonia	X	X		X	X	X	X	X	X	X	X
169	Timor-Leste											
170	Togo	X										
171	Tonga											
172	Trinidad and Tobago	X										
173	Tunisia	X	X		X	X	X	X	X	X	X	X
174	Turkey	X	X		X	X	X	X	X	X	X	X
175	Turkmenistan	X										
176	Tuvalu											

	State Party	Control Regime (Including Penalties)						Verification Regime (Including Penalties)		Confidentiality Regime	Confirmation Regarding Article XI(2)(e) Review	
		Initial Declarations	Licensing of Schedule 1 Production Facilities			Reporting on Production (Including Processing and Consumption for Schedule 2)			Access to Facilities			On-site Support
Schedule 1	Schedule 2		Schedule 3	Schedule 1	Schedule 2	Schedule 3	Declaration Regime for OCPF's					
177	Uganda	X										
178	Ukraine	X	X	X	X	X	X	X	X	X	X	X
179	United Arab Emirates	X	X	X	X	X	X	X	X	X	X	X
180	United Kingdom of Great Britain and Northern Ireland	X	X		X	X	X	X	X	X	X	X
181	United Republic of Tanzania	X										
182	United States of America	X	X		X	X	X	X	X	X	X	X
183	Uruguay	X			X	X	X	X	X	X	X	X
184	Uzbekistan	X	X		X	X	X	X	X	X	X	X
185	Vanuatu											
186	Venezuela (Bolivarian Republic of)	X										
187	Viet Nam	X	X		X	X	X	X	X	X	X	X
188	Yemen	X										
189	Zambia	X			(X)	(X)	(X)	(X)				
190	Zimbabwe	X			X	X	X	X				

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ANNEX 75

Report by the Director General of the Organization for the Prohibition
of Chemical Weapons on the Status of Implementation of Article VII
of the Chemical Weapons Convention as at 31 July 2014: Article VII-
Initial Measures

Reference EC-77/DG.6, C-19/ DG.7

13 May 2014



OPCW

Executive Council

Seventy-Seventh Session
7 – 10 October 2014

EC-77/DG.6
C-19/DG.7
13 May 2014
Original: ENGLISH

REPORT BY THE DIRECTOR-GENERAL

**STATUS OF IMPLEMENTATION OF ARTICLE VII
OF THE CHEMICAL WEAPONS CONVENTION
AS AT 31 JULY 2014: ARTICLE VII – INITIAL MEASURES**



EC-77/DG.6

C-19/DG.7

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Legislative and administrative implementation

1. In operative paragraph 1 of the decision on the follow-up to the plan of action regarding the implementation of Article VII obligations (C-10/DEC.16, dated 11 November 2005), the Conference of the States Parties (hereinafter “the Conference”) stressed that it is imperative for States Parties that had yet to fulfil their obligations under Article VII to do so without delay.
2. At the Third Special Session of the Conference of the States Parties to Review the Operation of the Chemical Weapons Convention (hereinafter “the Third Review Conference”), the Conference “[e]ncouraged the Secretariat to explore innovative methods of providing assistance on tailor-made approaches as a potential means to further advance the implementation of Article VII” (paragraph 9.103(c) of RC-3/3*, dated 19 April 2013). Furthermore, the Technical Secretariat (hereinafter “the Secretariat”) was requested “to continue to submit its annual report on the implementation of Article VII to the Conference, and ... to include an assessment in this report, for consideration by the policy-making organs, containing a comprehensive and objective analysis of the current status of national implementation, with a view to tracking the progress made and formulation of focused assistance programmes” (paragraph 9.103(h) of RC-3/3*).
3. Pursuant to the request received from the Third Review Conference, and in close cooperation with States Parties, the Secretariat has updated the two matrixes included in the annual reports—the one addressing the initial measures taken by States Parties in accordance with Article VII and the second, listing additional measures—and is presenting them in two concurrent reports, as requested by the Conference (paragraph 8 of C-14/DEC.12, dated 4 December 2009).
4. In this context, on 28 February 2014, the Secretariat sent a note verbale to all States Parties requesting them to provide updates on the status of implementation of Article VII and to fill in the matrixes attached to the note verbale. At the cut-off date of the current report, 32 States Parties had replied to the note verbale and 29 had filled in and submitted the updated matrixes¹ (see Table 1).

TABLE 1: STATES PARTIES THAT HAVE FILLED IN THE UPDATED MATRIXES AND SUBMITTED THEM TO THE SECRETARIAT

Andorra	Croatia	Namibia*
Armenia	Cyprus	Netherlands
Austria	Czech Republic	Peru
Bangladesh	France	Senegal
Belgium	Iraq	Singapore*
Belarus	Italy	Sweden
Brazil	Japan	Thailand
Bulgaria	Kuwait*	Ukraine
China	Luxembourg	United Arab Emirates
Colombia	Malaysia	Viet Nam
Costa Rica	Mexico	

¹ States Parties identified by an asterisk (*) have replied to the note verbale but did not fill in the matrixes.

5. The global status, as at 31 July 2014, of the relevant elements of legislative and administrative implementation is reflected in the tables below.

TABLE 2: OVERVIEW OF THE LEGISLATIVE IMPLEMENTATION OF THE CONVENTION

Article VII(5) submission received	150 (79%)
Legislation covers all initial measures	112 (59%) in full 32 (17%) in part
Legislation covers additional measures	94 (49%)
Text of adopted measures provided	133 (70%)

TABLE 3: STATUS OF ELEMENTS OF LEGISLATIVE AND ADMINISTRATIVE IMPLEMENTATION UNDER THE PURVIEW OF THE PRESENT REPORT, AS AT 31 JULY 2014

Indicators		Number and Percentage of States Parties Having Implemented the Measure
Definitions		
Chemical Weapons		127 (67%) in full 3 (2%) in part
Toxic Chemical		107 (56%) in full 2 (1%) in part
Precursor		106 (56%) in full 3 (2%) in part
Purposes Not Prohibited		108 (57%) in full 2 (1%) in part
Scheduled Chemicals Regime		
Reporting on Transfers	Schedule 1	104 (55%) in full 9 (5%) in part
	Schedule 2	101 (53%) in full 14 (7%) in part
	Schedule 3	101 (53%) in full 14 (7%) in part
Prohibitions and Penalties		
Prohibitions	Chemical Weapons	136 (72%) in full 6 (3%) in part
	Scheduled Chemicals	110 (58%) in full 15 (8%) in part
Penalties	Chemical Weapons	135 (71%) in full 4 (2%) in part
	Scheduled Chemicals	110 (58%) in full 15 (8%) in part
Other Initial Measures		
Extraterritoriality		123 (65%)
Legal basis for regulations		107 (56%) in full 2 (1%) in part
Establishment/designation of National Authority		188 (99%)

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TABLE 4: EXPLANATION OF COLUMN HEADINGS IN THE TABLES CONTAINED IN THE ANNEX TO THIS REPORT

Column Heading		Explanation
Definitions		
Chemical Weapons		Indicates that the legislation of the State Party in question contains a definition of chemical weapons that fully reflects the meaning of <i>chemical weapons</i> as defined by paragraph 1 of Article II of the Convention.
Toxic Chemical		Indicates that the legislation of the State Party in question contains a definition of toxic chemical that fully reflects the meaning of <i>toxic chemical</i> as defined by paragraph 2 of Article II of the Convention.
Precursor		Indicates that the legislation of the State Party in question contains a definition of precursor that fully reflects the meaning of <i>precursor</i> as defined by paragraph 3 of Article II of the Convention.
Purposes Not Prohibited		Indicates that the legislation of the State Party in question contains a definition of purposes not prohibited that fully reflects the meaning of <i>purposes not prohibited</i> under the Convention as defined by paragraph 9 of Article II of the Convention.
Scheduled Chemicals Regime		
Reporting on Transfers	Schedule 1	“X” indicates that the national legislation ensures that the State Party is in a position to fulfil the prior reporting requirements concerning transfers of Schedule 1 chemicals (see paragraphs 5 and 5bis. of Part VI of the Verification Annex to the Convention) and to provide all information that is to be included in the declaration required by paragraph 6 of Part VI of the Verification Annex and that a sanction is applicable in the event of non-compliance by natural and legal persons.
	Schedule 2	“X” indicates that the national legislation ensures that the State Party is in a position to provide all transfer-related information that is to be included in annual declarations required by paragraph 1 and 2 of Part VII of the Verification Annex and that a sanction is applicable in the event of non-compliance by natural and legal persons.
	Schedule 3	“X” indicates that the national legislation ensures that the State Party is in a position to provide all transfer-related information that is to be included in declarations pursuant to paragraph 1 of Part VIII of the Verification Annex and that a sanction is applicable in the event of non-compliance by natural and legal persons.

Column Heading	Explanation	
	Prohibitions and Penalties	
	Chemical Weapons	Scheduled Chemicals
Prohibition	“X” indicates that the activities prohibited to States Parties under paragraph 1 of Article I of the Convention are prohibited by that State Party to natural and legal persons in accordance with subparagraph 1(a) of Article VII.	“X” indicates that the activities prohibited to States Parties under: - paragraphs 1, 2, 3, and 4 of Part VI of the Verification Annex (Schedule 1 related); - paragraph 31 of Part VII of the Verification Annex (Schedule 2 related); ² - under paragraph 26 of Part VIII of the Verification Annex (i.e., the export of Schedule 3 chemicals to States not Party without appropriate assurance that they will only be used for purposes not prohibited under the Convention); ³ are prohibited by that State Party to natural and legal persons in accordance with subparagraph 1(a) of Article VII.
Penalties	“X” indicates that penal sanctions are applicable in the event of violation of the above prohibitions.	“X” indicates that penal sanctions are applicable in the event of violation of the above prohibitions.
	Other Initial Measures	
Extraterritoriality	“X” indicates that the State Party has extended its penal legislation enacted to implement the prohibitions of the Convention to any activity undertaken anywhere by natural persons possessing its nationality.	
Legal Basis for Regulations	“X” indicates that legislation of the State Party contains provisions that enable the relevant ministries/governmental departments to issue measures to regulate the production, processing, and consumption of Scheduled chemicals, the verification regimes, and the confidentiality regimes.	
Establishment/designation of National Authority	“X” indicates that a National Authority has been designated or established. It should be noted that some National Authorities have been designated on a purely interim basis.	

“(X)”, that is, X in brackets, for any of the above indicators means that the measure has been partially implemented.

Please note that the prohibition of certain activities can also be imposed by legal measures other than direct prohibitions. For example, when a licensing regime in a State Party ensures that no natural or legal person will be permitted to carry out an activity that is prohibited to

² For exceptions, please refer to C-V/DEC.16, dated 17 May 2000.

³ For exceptions, please refer to C-VI/DEC.10, dated 17 May 2001.

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States Parties under the Convention, then the column for the prohibition will be checked with the indication “X”.

Annex (English only):

Status of Implementation of Article VII Initial Measures, by State Party, as at 31 July 2014

Annex

STATUS OF IMPLEMENTATION OF ARTICLE VII
INITIAL MEASURES BY STATE PARTY

AS AT 31 JULY 2014

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures				
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Penalties	Scheduled Chemicals	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority	
1.	Afghanistan															X	
2.	Albania	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
3.	Algeria	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
4.	Andorra	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
5.	Antigua and Barbuda															X	X
6.	Argentina	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
7.	Armenia	X	X	X	X				X	X	X	X	X	X	X	X	X
8.	Australia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
9.	Austria	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
10.	Azerbaijan	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
11.	Bahamas																X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures		
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority
12.	Bahrain	X				X	(X)	(X)	X	X	X				X
13.	Bangladesh	X	X	X	X	X	X	X	X	X	X			X	X
14.	Barbados														X
15.	Belarus	X	X	(X)	X	X	X	X	X	X	X			X	X
16.	Belgium	X	X	X	X	(X)	X	X	X	X	X			X	X
17.	Belize														X
18.	Benin														X
19.	Bhutan								(X)	(X)				X	X
20.	Bolivia (Plurinational State of)	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)	(X)			(X)	X
21.	Bosnia and Herzegovina	X	X	X	X	X	X	X	X	X	X			X	X
22.	Botswana	X							X						X
23.	Brazil	X	X	X	X	X	X	X	X	X	X			X	X
24.	Brunei Darussalam														X
25.	Bulgaria	X	X	X	X	X	X	X	X	X	X			X	X
26.	Burkina Faso	X	X	X	X	X	X	X	X	X	X			X	X
27.	Burundi	X	X	X	X	X	X	X	X	X	X			X	X
28.	Cambodia	X	X	X	X	(X)	(X)	(X)	X	(X)	(X)			X	X
29.	Cameroon														X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures		
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority
30.	Canada	X	X	X	X	X	X	X	X	X	X	X	X	X	X
31.	Cabo Verde														X
32.	Central African Republic	X	X	X	X	X	X	X	X	X	X	X	X	X	X
33.	Chad														X
34.	Chile								X						X
35.	China	X	X	X	X	X	X	X	X	X	X	X	X	X	X
36.	Colombia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
37.	Comoros	X	X	X	X	(X)	(X)	(X)	X	X	X	X	X	X	X
38.	Congo	X	X	X	X	X	X	X	X	X	X	X	X	X	X
39.	Cook Islands	X	X	X	X	X	X	X	X	X	X	X	X	X	X
40.	Costa Rica	X	X	X	X	X	X	X	X	X	X	X	X	X	X
41.	Côte d'Ivoire	X	X	X	X	(X)	(X)	(X)	X	(X)	X	X	X	X	X
42.	Croatia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
43.	Cuba	(X)	X	X	X	X	X	X	X	X	X	X	X	X	X
44.	Cyprus	X	X	X	X	X	X	X	X	X	X	X	X	X	X
45.	Czech Republic	X	X	X	X	X	X	X	X	X	X	X	X	X	X
46.	Democratic Republic of the Congo														X
47.	Denmark	X	X	X	X	X	X	X	X	X	X	X	X	X	X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures		
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority
48.	Djibouti														X
49.	Dominica								X						X
50.	Dominican Republic								(X)						X
51.	Ecuador	X							X						X
52.	El Salvador								X					X	X
53.	Equatorial Guinea														X
54.	Eritrea														X
55.	Estonia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
56.	Ethiopia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
57.	Fiji	X	X	X	X	X	X	X	X	X	X	X	X	X	X
58.	Finland	X	X	X	X	X	X	X	X	X	X	X	X	X	X
59.	France	X	X	X	X	X	X	X	X	X	X	X	X	X	X
60.	Gabon	X							X						X
61.	Gambia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
62.	Georgia	X							X	(X)	X	X	(X)		X
63.	Germany	X	X	X	X	X	X	X	X	X	X	X	X	X	X
64.	Ghana														X
65.	Greece	X	X	X	X	X	X	X	X	X	X	X	X	X	X
66.	Grenada	X							(X)					(X)	X

EC-77/DG.6

C-19/DG.7

Annex

page 11

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures		
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority
67.	Guatemala	X							X	(X)	X	(X)	X		X
68.	Guinea														X
69.	Guinea-Bissau														X
70.	Guyana														X
71.	Haiti														X
72.	Holy See	X	X	X	X	X	X	X	X	X	X	X	X	X	X
73.	Honduras								X						X
74.	Hungary	(X)	(X)	(X)	(X)	X	X	X	X	X	X	X	X	X	X
75.	Iceland	X							X						X
76.	India	X	X	X	X	X	X	X	X	X	X	X	X	X	X
77.	Indonesia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
78.	Iran (Islamic Republic of)	X	X	X	X	X	X	X	X	X	X	X	X	X	X
79.	Iraq	X	X	X	X	X	X	X	X	X	X	X	X	X	X
80.	Ireland	X	X	X	X	X	X	X	X	X	X	X	X	X	X
81.	Italy	X	X	X	X	X	X	X	X	X	X	X	X	X	X
82.	Jamaica														X
83.	Japan	X	X	X	X	X	X	X	X	X	X	X	X	X	X
84.	Jordan								X						X
85.	Kazakhstan	X	X	X	X	X	X	X	X	X	X	X	X	X	X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties			Other Initial Measures			
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority
86.	Kenya														X
87.	Kiribati	X	X	X	X	X	(X)	(X)	X	X	X	X	X	X	X
88.	Kuwait	X							X				X		X
89.	Kyrgyzstan														X
90.	Lao People's Democratic Republic	X							X	(X)	X	(X)	X		X
91.	Latvia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
92.	Lebanon														X
93.	Lesotho	X	X	X	X	X	X	X	X	X	X	X	X	X	X
94.	Liberia	X	X	X	X	X	(X)	(X)	X	X	X	X	X	X	X
95.	Libya														X
96.	Liechtenstein	X	X	X	X	X	X	X	X	X	X	X	X	X	X
97.	Lithuania	X	X	X	X	X	X	X	X	X	X	X	X	X	X
98.	Luxembourg	X	X	X	X	X	X	X	X	X	X	X	X	X	X
99.	Madagascar	X	X	X	X	X	X	X	X	X	X	X	X	X	X
100.	Malawi														X
101.	Malaysia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
102.	Maldives														X
103.	Mali	X					(X)	(X)	X	(X)	X	(X)	X		X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures					
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Penalties	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority		
104.	Malta	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
105.	Marshall Islands															X		
106.	Mauritania	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
107.	Mauritius	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
108.	Mexico	X			X	X	X	X	X	X	X	X	X	X	X	X	X	
109.	Micronesia (Federated States of)	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
110.	Monaco	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
111.	Mongolia	X				(X)	(X)	(X)	X	X	(X)	X	X	X	X	X	X	
112.	Montenegro	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
113.	Morocco	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
114.	Mozambique																X	
115.	Namibia																X	
116.	Nauru																X	
117.	Nepal																X	
118.	Netherlands	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
119.	New Zealand	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
120.	Nicaragua																X	
121.	Niger	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures			
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Penalties	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority
122.	Nigeria	X							X	(X)	X	X			X	
123.	Niue	X	X	X	X	(X)	(X)		X	X	X	X	X	X	X	X
124.	Norway	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
125.	Oman	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
126.	Pakistan	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
127.	Palau	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
128.	Panama	X	X	X	X				X	X	X	X	X	X	X	X
129.	Papua New Guinea															X
130.	Paraguay								(X)							X
131.	Peru	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
132.	Philippines	X							X	X	X	X	X	X	X	X
133.	Poland	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
134.	Portugal	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
135.	Qatar	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
136.	Republic of Korea	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
137.	Republic of Moldova	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
138.	Romania	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
139.	Russian Federation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
140.	Rwanda	X							X	(X)	X	(X)			X	X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties			Other Initial Measures				
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Penalties	Chemical Weapons	Scheduled Chemicals	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority
141.	State Party															
141.	Saint Kitts and Nevis	X	X	X	X	X	(X)	(X)	X	X	X	X	X	X	X	X
142.	Saint Lucia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
143.	Saint Vincent and the Grenadines	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
144.	Samoa	X					(X)	(X)	X	X	(X)	X	X	X	X	X
145.	San Marino								X	X						X
146.	Sao Tome and Principe															X
147.	Saudi Arabia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
148.	Senegal	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
149.	Serbia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
150.	Seychelles	X							X	X						X
151.	Sierra Leone															X
152.	Singapore	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
153.	Slovakia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
154.	Slovenia	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
155.	Solomon Islands															X
156.	Somalia															
157.	South Africa	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
158.	Spain	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures		
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Extraterritoriality	Legal Basis for Regulations	Establishment/designation of National Authority
159.	Sri Lanka	X	X	X	X	X	X	X	X	X	X	X	X	X	X
160.	Sudan	X	X	X	X	X	X	X	X	X	X	X	X	X	X
161.	Suriname														X
162.	Swaziland														X
163.	Sweden	X	X	X	X	X	X	X	X	X	X	X	X	X	X
164.	Switzerland	X	X	X	X	X	X	X	X	X	X	X	X	X	X
165.	Syrian Arab Republic														X
166.	Tajikistan	X				(X)			X	(X)	X	X	X		X
167.	Thailand	X	X	X	X	X	X	X	X	X	X	X	X	X	X
168.	The former Yugoslav Republic of Macedonia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
169.	Timor-Leste														
170.	Togo														X
171.	Tonga														X
172.	Trinidad and Tobago														X
173.	Tunisia	X	X	X	X	X	X	X	X	X	X	X	X	X	X
174.	Turkey	X	X	X	X	X	X	X	X	X	X	X	X	X	X
175.	Turkmenistan	X							X						X
176.	Tuvalu														X

	State Party	Definitions				Scheduled Chemicals Regime Reporting on Transfers			Prohibitions and Penalties				Other Initial Measures			
		Chemical Weapons	Toxic Chemical	Precursor	Purposes Not Prohibited	Schedule 1	Schedule 2	Schedule 3	Chemical Weapons	Scheduled Chemicals	Chemical Weapons	Scheduled Chemicals	Prohibitions	Penalties	Extraterritoriality	Legal Basis for Regulations
177.	Uganda								X	(X)	X	X	X	X		X
178.	Ukraine	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
179.	United Arab Emirates	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
180.	United Kingdom of Great Britain and Northern Ireland	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
181.	United Republic of Tanzania															X
182.	United States of America	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
183.	Uruguay					X	X	X	X	X	X	X	X	X	X	X
184.	Uzbekistan	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
185.	Vanuatu															X
186.	Venezuela (Bolivarian Republic of)								(X)							X
187.	Viet Nam	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
188.	Yemen															X
189.	Zambia	X	X	X	X	X	X	(X)	X	X	X	X	X	X	X	X
190.	Zimbabwe	X				X	X	X	X	X	X	X	X	X	X	X

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ANNEX 76

Note from the Chief Engineer of the Department of Studies and Designs of the Consejo Nacional de Vialidad (CONAVI) to the Chief of the Department of Weights and Dimensions and to the Director General of the Transit Police of Costa Rica
Reference DGIT-ED-4697-2014

11 June 2014

English Translation and Spanish Original



Dirección General de Ingeniería de Tránsito



Estudios y Diseños

NOTE N° DGIT-ED-4697-2014

San José, 11 June 2014

Messrs:

Carlos Miranda Chavarría, Eng., Chief
Department of Weights and Dimensions
CONAVI

Mario Calderón Cornejo, **Director**
General Department of Transit Policy

**REF: AUTHORIZATION OF ROUTES FOR THE TRANSPORT OF
 HAZARDOUS MATERIALS**

Dear Sirs:

In conformity with Executive Decree N° 24715-MOPT-MEIC-S “*Regulations for the Land Transport of Hazardous Materials*” in Section III “*Routes and Schedule*,” in Article 39, which states:

“The General Department of Transit Engineering of the Ministry of Public Works and Transport will implement the specific routes that shall be used by vehicles transporting hazardous materials...”

The Department of Studies and Designs is updating the routes to transport hazardous materials, given that Recope requested an update of the database regarding the determination of the route and measurement of distances between the storage tanks and service stations.

The route authorized for the transport of flammable material, destined for the service station shall be:

Ruta Nacional	Tramo
N° 229	Rio Chirripó (R.4) - La Vuelta, Horquetas (R.4)
N°106	Pitahaya (R.111) – La Valencia (R.3)

CONSTRUIAMOS UN PAÍS SEGURO



Gobierno de Costa Rica

Tel: (506) 2226-5411. Fax: (506) 2523-

2757

Apartado 10176-1000, San José, Costa Rica



Dirección General de Ingeniería de Tránsito



Estudios y Diseños

NOTE N° DGIT-ED-4697-2014

We are attaching the update of the authorized routes for the transport of hazardous materials.

Regards,

Mónica Navarro Cruz, Eng.
Basic Studies Unit
Designs

Rony Rodríguez Vargas, Eng.
Chief of the Department of Studies and

📁 Junior Araya Villalobos, Eng.
📁 Archivo

General Director of Transit Engineering



OFICIO N° DGIT-ED-6037-2014

San José, 05 de setiembre del 2014

Señores:

Ing. Carlos Miranda Chavarría, Jefe
Departamento Pesos y Dimensiones
CONAVI

Lic. Mario Calderón Cornejo, **Director**
Dirección General de Policía de Tránsito

**REF: AUTORIZACION DE RUTAS PARA EL PASO DE
MATERIALES PELIGROSOS**

Estimados señores:

De acuerdo con el Decreto Ejecutivo N° 24715-MOPT-MEIC-S “Reglamento para el Transporte de Terrestre de Productos Peligrosos” en la Sección III “Rutas e Itinerario”, en el artículo 39 el cual dice:

“La Dirección General de Ingeniería de Tránsito del Ministerio de Obras Públicas y Transportes implementará las rutas específicas que deberán ser usadas por los vehículos que transportan materiales peligrosos,...”

El Departamento de Estudios y Diseños, está actualizando las rutas de paso de material peligroso, debido a que la Empresa Constructora RAASA S.A. transporta emulsión asfáltica hasta el plantel de dicha constructora.

La ruta que se autoriza para facilitar el transporte de material inflamable, el cual se dirige al plantel será:

Ruta Nacional	Tramo
N° 253	Comunidad(R.21)) - Paseo Nacascolo(Entrada Papagayo)
N° 254	Comunidad(R.253)(Hda Las Trancas) –Playa Panamá (Hot Condor Del Mar)(Mojon Milla Maritima)

Estudios y Diseños

OFICIO N° DGIT-ED-6037-2014

Se adjunta la actualización de las rutas autorizadas para el trasiego de materiales peligrosos.

Atentamente;

Ing. Mónica Navarro Cruz

Ing. Mónica Navarro Cruz
Unidad de Estudios Básicos



ORIGINAL FIRMADO

Ing. Ronny Rodríguez Vargas

Ing. Rony Rodríguez Vargas
Jefe Departamento Estudios y Diseños

📁 Ing. Junior Araya Villalobos
📁 Archivo

Director General ingeniería de Tránsito



ANNEX 77

Internal Communication of the Costa Rican General Department of Transit Engineering of the Ministry of Public Works and Transportation, regarding the Authorization of Routes for the Transport of Hazardous Materials

June 2014

English translation



MINISTRY OF PUBLIC WORKS AND TRANSPORTATION

GENERAL DEPARTMENT OF TRANSIT ENGINEERING

COMMUNICATION

Based on the requirements issued in Executive Decree No.24715-MOPT-MEIC-S. "Regulations for the Transport of Hazardous Products", below is the list of the ROUTES allowed by this office, based on the description of the National Road Network compiled by the Office of Planning of the Ministry of Public Works and Transportation.

BORDER CROSSING ROADS (SOUTHERN BORDER/NORTHERN BORDER)

ROUTE 2: Carretera Interamericana (Florencia del Castillo)

ROUTE 39: Carretera de Circunvalación

ROUTE 100: Calle Blancos – Uruca

ROUTE 108: Radial Uruca

ROUTE 1: Autopista General Cañas

INTER-PROVINCIAL ROUTE

(San José, Heredia, Alajuela, Cartago y Puntarenas)

CARTAGO – SIQUIRRES:

ROUTE 10: La Lima (R.2 – Siquirres (R.32)

CARTAGO – TRES RIOS:

ROUTE 2: Autopista Florencio del Castillo

ROUTE 251: Carretera Vieja a Tres Ríos

SAN IGNACIO – TARRAZU:

ROUTE 209: Plaza Gonzales Víquez (R. 215) – Guayabo, Mora (R.239)

ROUTE 222: Tarbaca (R.209) – La Sierra (R.2)

EL EMPALME –LOS SANTOS: (Restricted Access ROUTE for articulated vehicles).

ROUTE 226: La Guaria, Empalme (R.2) – San Cristóbal (R.222)

ROUTE 2: Autopista Florencio del Castillo





SAN JOSE – PURISCAL:

ROUTE 27: Autopista Próspero Fernández
 ROUTE 121: Ciudad Colón
 ROUTE 239: Ciudad Colon (R.22) – La Palma (R.34)
 ROUTE 5: B° Tournon (R.108) – El Pirro (R.3)
 ROUTE 3: Radial a Heredia

SAN JOSÉ – PUNTARENAS

ROUTE 27: Santa Ana – Caldera

ALAJUELA CENTRO:

ROUTE 3: Aeropuerto Juan Santamaría – Alajuela
 ROUTE 124: San Antonio del Tejas – Alajuela
 ROUTE 153: Radial Francisco J. Orlich

HEREDIA

ROUTE 126: Barva – Heredia (Avenida 9 – Calle Central)
 ROUTE 3: Avenida 4 de Heredia
 ROUTE 113: Avenida 13, entre calles 9 y Central
 ROUTE 6: Entre Calles 16 y 9
 ROUTE 9: Entre Calles 10 y Central
 ROUTE 106: Pitahaya (R.111) – La Valencia (R.3)
 ROUTE 111: Entre San Antonio de Belén e intersección Cariari
 ROUTE 112: Heredia (R.113) – San Isidro de Heredia (R.116) (Restricted Access ROUTE for articulated vehicles)

SAN JOSE:

ROUTE 147: San Rafael de Ojo de Agua – Santa Ana
 ROUTE 105: Palermo – Escazú
 ROUTE 121: Cruce San Rafael de Escazú – Santa Ana
 ROUTE 104: Zona industrial de Pavas – Parque Metropolitano de la Sábana
 ROUTE 122: San Antonio de Belén (R.111) – Intersección R.147 (Panasonic)
 ROUTE 177: Radial Sabana Alajuelita (Paso Inferior, R.39) – Sabana Sur Calle Morenos (R.167)
 ROUTE 167: San Rafael, Escazú (R.105) – Lte Cant. San José / Escazú (Rio Tiribi)





ROUTE 167: Sabana Este (R.27)(C.42) – Paso Superior (R.39)(Ladrillera la Sabana)

METROPOLITAN AREA:

ROUTE 110: Alajuelita – Barrio Bolívar (Avenida 14 – Calle 20)
 ROUTE 214: San Rafael Abajo Desamparados – San José (Avenida 10 – Calle Central)
 ROUTE 213: Paso Ancho – San José (Avenida 24 – Calle Central)
 ROUTE 209: Aserri – San José (Avenida 2 – Calle 9)
 ROUTE 206: San Miguel de Desamparados – Cruce de Desamparados
 ROUTE 212: Higuito de Desamparados – Cruce de San Antonio de Desamparados
 ROUTE 210: Lomas de Ayarco- Damas de Desamparados
 ROUTE 211: San Francisco – Rotonda Y Griega
 ROUTE 215: Curridabat – Plaza González Víquez
 ROUTE 218: Radial de Guadalupe
 ROUTE 102: San Vicente de Moravia – San Isidro de Coronado
 ROUTE 200: Cruce de Guadalupe – San Vicente de Moravia
 ROUTE 109: San Gerardo de Guadalupe – Santo Tomás
 ROUTE 101: San Vicente de Moravia – Planta Eléctrica de Colima
 ROUTE 2: La Hispanidad Roundabout –Central Street (San José)
 ROUTE 204: Avenue 10 – between Streets 14 and 21
 Avenue 14: Street 9 – Street 10 (San José)
 Avenue 6: Street 28 – Street 40
 Avenue 8: Central Street – Street 28
 Avenue 0: Street 11 – Street 23
 Street 20: Avenue 13 – Central Avenue
 Street 14: Central Avenue– Avenue 8
 Street 10: Avenue 8 – Avenue 14
 Street 9: Avenue 2 – Avenue 18 (Plaza González Víquez)
 Street 21: Avenue 3 – Avenue 10

SAN JOSE – HEREDIA (via la Uruca)

ROUTE 1: Avenue 1 – Street 42
 ROUTE 3: Road to Heredia

HEREDIA – ALAJUELA

ROUTE 3: Pasando por San Joaquín de Flores





ALAJUELA – ATENAS

ROUTE 1: Autopista General Cañas

ALAJUELA – GRECIA

ROUTE 154: La Argentina (R.1) – Grecia (R.118)

ALAJUELA – SAN MIGUEL (Restricted Access ROUTE for articulated vehicles)

RUTA 126: Vara Blanca

ALAJUELA – VOLCAN POAS

ROUTE 120: Vara Blanca – Parque Nacional Volcán Poas

ROUTE 130: Alajuela (R.3) – San Pedro, Poas (R.107)

ROUTE 146: San Pedro, Poas – Paosito (R.120)

NARANJO – CIUDAD QUESADA (Restricted Access ROUTE for articulated vehicles)

ROUTE 141: San Miguel (R.1) (Radial Naranjo) – El Tanque (R.142)

ALAJUELA – SANTA BARBARA – BARVA- HEREDIA

ROUTE 123: Alajuela – Santa Bárbara

ROUTE 126: Santa Bárbara – Heredia

INTER-PROVINCIAL ROUTE

(Puntarenas)

PUNTARENAS DOWNTOWN

ROUTE 23: Barranca – El Roble

ROUTE 17: El Roble –Puntarenas Pier

EL ROBLE – DOMINICAL

ROUTE 23: El Roble – Caldera

ROUTE 27: Caldera – Orotina

ROUTE 34: Orotina - Palmar Norte





RIVER LAGARTO – SANTA ELENA: (Restricted Access ROUTE for articulated vehicles)

ROUTE 605: Río Lagarto – Guacimal (R.606)

ROUTE 606: Rancho Grande (R.1)- Santa Elena (Iglesia)

INTER- PROVINCIAL ROUTE
(Guanacaste)

LIBERIA – PAQUERA:

ROUTE 21: Liberia – Cabo Blanco

ROUTE 621: Cabo Blanco – Paquera

COMUNIDAD (Intersección Ruta 151 – Ruta 21) **SARDINAL**

ROUTE 151: Comunidad – Sardinal

BELEN – BRASILITO:

ROUTE 155: Belén – Brasilito

NICOYA – SAMARA:

ROUTE 450: Nicoya – Sámara

SANTA RITA (Intersección Ruta 161 – Ruta 21) – CARMONA:

ROUTE 161: Santa Rita – Carmona

BAGACES – GUAYABO:

ROUTE 164: Bagaces – Guayabo

CAÑAS – SAN RAFAEL DE UPALA:

ROUTE 142: Cañas – Nuevo Arenal

ROUTE 143. Nuevo Arenal – San Rafael de Upala

LA IRMA – LAS JUNTAS:

ROUTE 145: La Irma – Las Juntas





LIMONAL – COLORADO DE ABANGARES:

ROUTE 18: Limonar – Colorado de Abangares

INTER-PROVINCIAL ROUTE

(Atlantic Zone)

SAN JOSÉ – LIMÓN

ROUTE 32: San José (B° Tournon)(R.108) – Limón (Muelle Alemán)

SARAPIQUI, RIO FRIO

ROUTE 4: La Y Griega, Pococi (R.32) – Bajos De Chilamate (R.126)(R.506)

ROUTE 229: Rio Chirripó (R.4) - La Vuelta, Horquetas (R.4)

GUAPILES – LAS PALMITAS:

ROUTE 247: Guápiles – El Prado

ROUTE 248: El Prado – Cariari

ROUTE 247: Cariari – Las Palmitas

CARRETERA A SAOPIN – MATINA:

ROUTE 805: Línea B – Matina

LIMON – SIXAOLA:

ROUTE 36: Limón – Sixaola

PENSHURT – PANDORA:

ROUTE ***: Peshurt – Pandora

RUTA DE PASO NORTE:

NARANJO – LOS CHILES:

ROUTE 141: Naranjo – Florencia

ROUTE 35: Florencia – Los Chiles

FLORENCIA – SAN RAFAEL DE GUATUSO:

ROUTE **: Florencia – San Cristóbal

ROUTE 4: San Cristóbal – San Rafael de Guatuso

JABILLOS – FORTUNA (Restricted Access ROUTE for articulated vehicles)

ROUTE 702: San Isidro La Tigra – Fortuna





ROUTE 738: Jabillos – San Isidro La Tigra

AGUAS ZARCAS – BOCA TAPADA:

ROUTE 250: Aguas Zarcas - Boca Tapada

LA CRUZ – UPALA:

ROUTE 4: La Cruz – Upala

RUTA DE PASO ZONA SUR:

LAS JUNTAS DE PACUAR – PEJIBAYE:

ROUTE 244: Las Juntas de Pactar – Pejibaye

ROUTE 2 – BUENOS AIRES:

ROUTE 246: Piñera (R.2) – Buenos Aires

PASO REAL – CIUDAD CORTES:

ROUTE 2: Paso Real – Palmar Norte

ROUTE 18: Palmar Norte – Ciudad Cortés

PASO REAL – SAN VITO DE COTO BRUS

ROUTE 237: Paso Real – San Vito de Coto Brus

ROUTE 613: San Vito de Coto Brus – Sabalito

RIO CLARO – GOLFITO:

ROUTE 14: Río Claro – Golfito

CIUDAD NEILY – FINCA 44:

ROUTE 608: Ciudad Nelly – Finca 44

DISTRIBUTION ROUTES GREATER METROPOLITAN AREA:

As for the cantonal ROUTEs, each municipality shall determine the ROUTEs of passage for the transportation of hazardous materials according to the Regulatory Plan of each municipality.

The determination of the cantonal ROUTEs should be coordinated with the General Department of Transit Engineering.

SCHEDULES

Regarding schedules for the transport of hazardous materials, it will be restricted from 6:00 to 8:30 and from 16:30 a 19:00, from Monday through Friday, in the following ROUTEs

ROUTE 1: Aeropuerto Juan Santamaría – San José





-
- ROUTE 1: Paseo Colón
 - ROUTE 2: Cartago – San Pedro (Incluye la Avenida Central de San Pedro)
 - ROUTE 2: Avenida 2 (Centro de San José)
 - ROUTE 3: Heredia – Uruca
 - ROUTE 27: San José – Santa Ana
 - ROUTE 39: Carretera de Circunvalación
 - ROUTE 32: San José – Túnel Zurquí
 - ROUTE 104: Alrededores de parque Metropolitano de la Sábana
 - ROUTE 218: Radial Guadalupe
 - ROUTE 108: Radial Uruca
 - ROUTE 210: San José – Rotonda de Alajuelita
 - ROUTE 213: San José – Rotonda de Paso Ancho
 - ROUTE 214: San José – Rotonda de San Sebastián
 - ROUTE 215: Curridabat – Plaza Víquez
 - Avenue Simón B.: Avenue 8 (Downtown San José)
 - Avenue San Martín: Avenue 10 (Downtown San José)

Furthermore,
Outside the restrictions outlined above, vehicles transporting hazardous materials is determined from 05:00 to 22:00 throughout the national territory.



ANNEX 78

Secretariat of the Ramsar Convention, Ramsar Advisory Mission No. 77
Report, Wetland of International Importance Caribe Noreste, Costa Rica

August 2014

English translation

ENGLISH TRANSLATION

RAMSAR CONVENTION ON WETLANDS (Ramsar, Iran, 1971)

Report

Ramsar Advisory Mission No. 77 Wetland of International Importance

Caribe Noreste, Costa Rica

August 2014

Secretariat of the Ramsar Convention

Ramsar Advisory Mission No. 77

Ramsar Site Caribe Noreste, Costa Rica

10-13 March 2014

1. Background

The Government of Costa Rica, through communications dated 17 and 19 September 2013, informed the Secretariat of the Ramsar Convention, within the framework of Article 3.2, of the opening of two new *caños* in the Caribe Noreste Ramsar Site. Subsequently, it requested a Ramsar Advisory Mission on 9 October 2013.

Concerning the new *caños*, on 22 November 2013 the International Court of Justice reaffirmed the provisional measures of its Order of 8 March 2011 and indicated the following provisional measures:

Paragraph 59 (E) (Original text in English)

Following consultation with the Secretariat of the Ramsar Convention and after giving Nicaragua prior notice, Costa Rica may take appropriate measures related to the two new *caños*, to the extent necessary to prevent irreparable prejudice to the environment of the disputed territory; in taking these measures, Costa Rica shall avoid any adverse effects on the San Juan River.

Based on the foregoing, the Secretariat of the Ramsar Convention conducted the Ramsar Mission from 10-13 March 2014.

2. Goals and programme of the mission

The mission aimed to assess the impact of the two new *caños* on the ecological characteristics of the Caribe Noreste Ramsar Site in order to provide recommendations to the Government of Costa Rica within the framework of the decision of the International Court of Justice.

The programme of the mission included meetings with the technical team assigned by the Government of Costa Rica for the mission as well as a visit to the area of the new *caños*.

3. Prior conditions of the Ecological Characteristics of the area before the dredging of the caños in September 2013

It is worth noting that based on the flyover of the two "new *caños*" all analyses in this report concentrate on the *Caño Este* (eastern caño), given that the *Caño Oeste* (western caño) was not very developed.

Physical conditions

It is estimated that the physical conditions of the area where the new *caño* is located in the *Humedal Caribe Noreste* (HCN, Northeast Caribbean wetland), prior to the excavation of the artificial channel

(hereinafter “*Caño Este*”), were in a state of dynamic equilibrium in terms of hydrological, hydrogeological, morphological and pedological conditions.

The area covered by the *Humedal Caribe Noreste* (HCN) is a pristine area that was formed, structured and modelled by the natural conditions characteristic of this region. HCN is part of the Northern Plains, which is traversed by the San Juan River. The physical conditions of the wetland have been established, slowly and gradually, by the geology of the Quaternary, climate, weather (especially precipitation and its seasonal distribution), sedimentation driven by the San Juan River, marine tides and the aquifer system of ground water conditions that has formed in and sustains the area of wetland.

It is considered that these conditions have existed at least since the late Pleistocene (about the last 100,000 years), and that the area has experienced a myriad of geomorphological changes during the Holocene (less than the last 12,000 years).

The rivers that flow into the Atlantic coast of Costa Rica are long, navigable and meandering, with a substantial water flow, and they overflow their channels easily during the rainy season. The San Juan River is one of the major rivers of the Atlantic drainage basin of Costa Rica. Over time a wetland has formed around the river, characterized by the presence of a delta of fluvial-alluvial origin, whose thickness is unknown but can be inferred to be between 40 and 100 m. The accumulation of sediments during the geologically recent period has resulted in an aquifer in phreatic conditions whose groundwater has a hydraulic connection with the surface water of the San Juan River and with the marine water of the Caribbean Sea.

Due to the low topography of the area, with a very low hydraulic gradient, interactions and relationships between the shallow ground water and drainage in the wetland are not only very complex, but also highly variable spatially (within small areas), and temporally (between the rainy and dry periods). These characteristics make these interactions and relationships vulnerable to any anthropogenic activity.

Conditions along coastal areas of low relief bordered by freshwater wetlands, as in the case of the HCN, are normally distinguished by two very particular characteristics (Figure 1). First, fresh water from rivers and streams infiltrates and recharges the aquifer, which keeps the interface of fresh water and salt water in balance; and, second, in the case of drainage of the wetland (natural or artificial), or any other diversification of its freshwater, there will be a decrease in the groundwater level. Consequently, any loss of that recharge near the coast would allow intrusion of salt water in the freshwater aquifer. Changes in these two characteristics could alter the delicate balance between fresh water and salt water in the hydrological system (river, wetland, estuary, bay and lagoon), threatening the maintenance of its ecological characteristics.

Rainfall, temperature, topography, vegetation and direct infiltration control environmental conditions in the wetland. The San Juan River and Laguna Los Portillos are connected through the flow of underground water in the phreatic aquifer. Hence, even during the dry season, the wetland is maintained by groundwater flow. If the groundwater level decreases or disappears, the wetland could perish or suffer drastic changes in its vegetation. The presence of natural watercourses indicates the connection between the surface water and groundwater, as well as of the geomorphology of the wetland.

Figure 2 shows two cross-sections illustrating the interactions between the wetland, surface water and groundwater.

During the rainy season, the San Juan River recharges the aquifer; during the dry season the aquifer maintains the base flow of the river. In prior RAMSAR missions it was observed through inspection of aerial photos that in some parts of the wetland there are small, micro-basins with a direction of flow either towards the lagoon, towards the sea, or towards the San Juan River (Figure 3).

The existence of natural openings, bays or watercourses observed very close and perpendicular to Laguna Portillos, are the result of: (a) surface runoff on geomorphological depressions; and (b) areas with soils of greater permeability, which facilitate the connection between the groundwater and the lagoon.

In the absence of any anthropogenic modification within the wetland (e.g. dredging of artificial *caños*) the groundwater levels that maintain the vegetation therein are unaffected and continue performing their balancing role in the ecological conditions of the wetland, as well as in the hydrogeological conditions in relation to the San Juan River, the sea (coast, tides) and Laguna Portillos.

Those were the physical conditions of the site before the anthropogenic intervention in September 2013. Apart from the artificial *caños* excavated in 2010, there were no other traces of visible anthropogenic influence on the formation of the wetland, or modifications thereto.

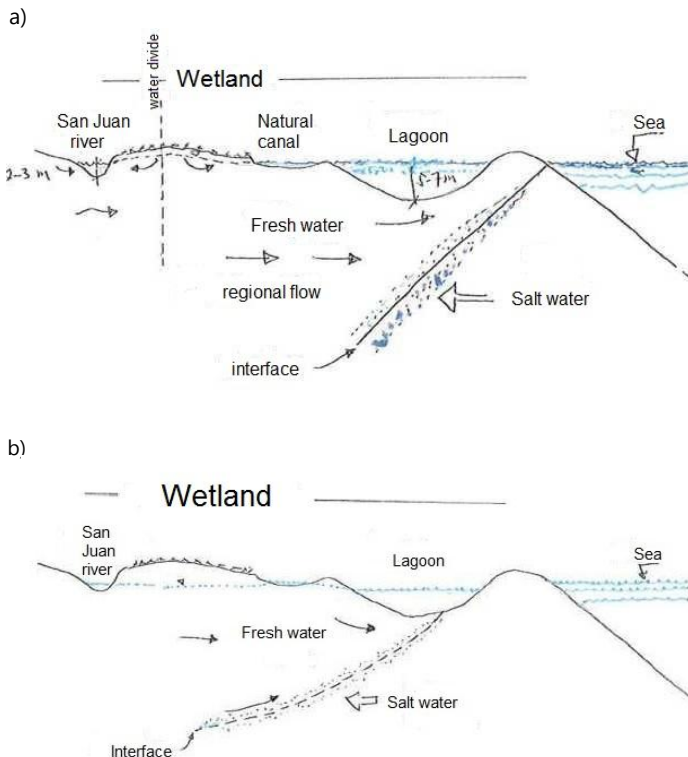
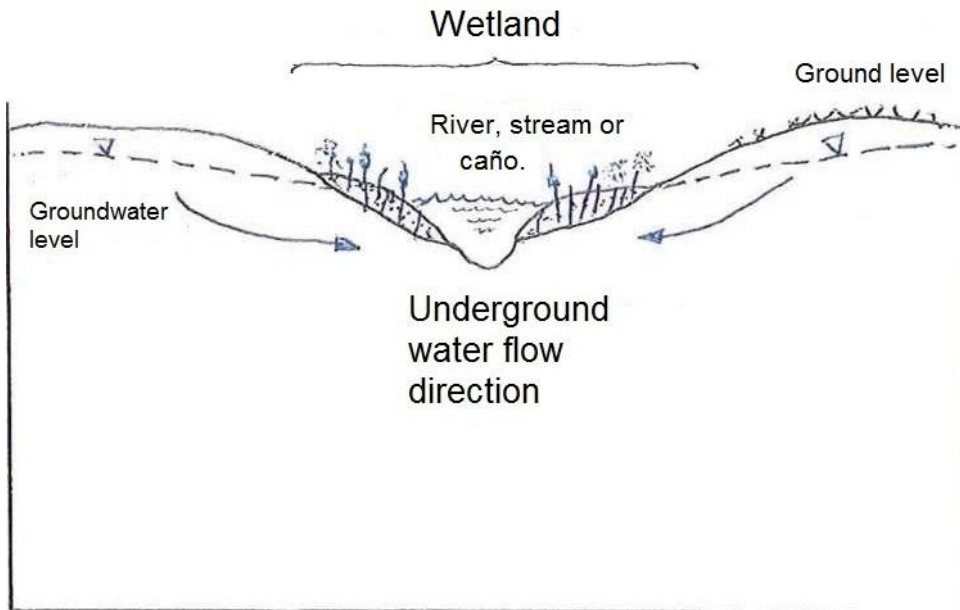


Figure 1. Diagram of a section West to East along the HCN a) Normal conditions; b) Saline intrusion conditions.

a)



b)

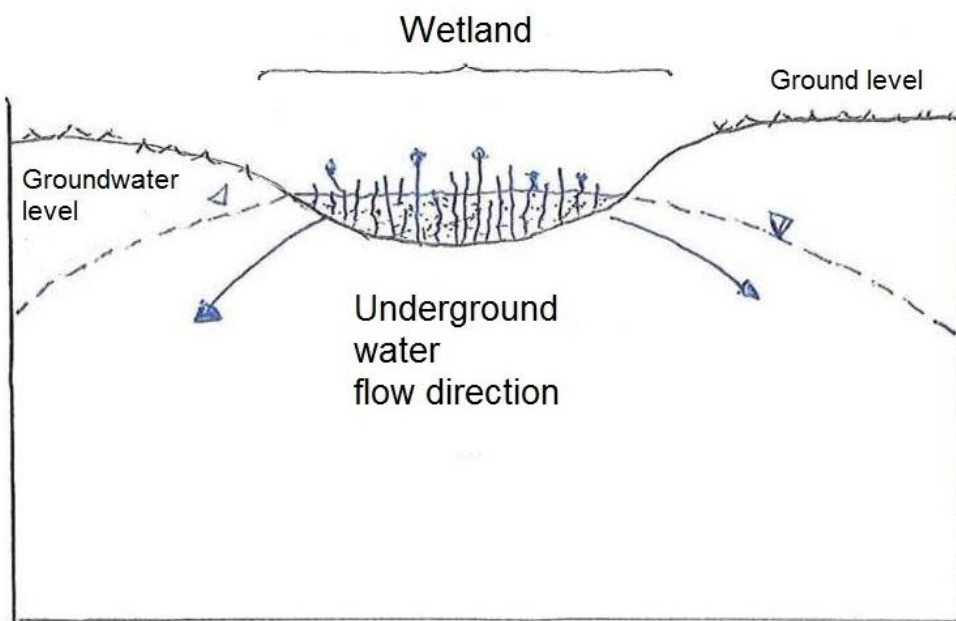


Figure 2. a) Wetland fed by rain and groundwater, b) wetland fed by rain; often the wetlands recharge the groundwater.

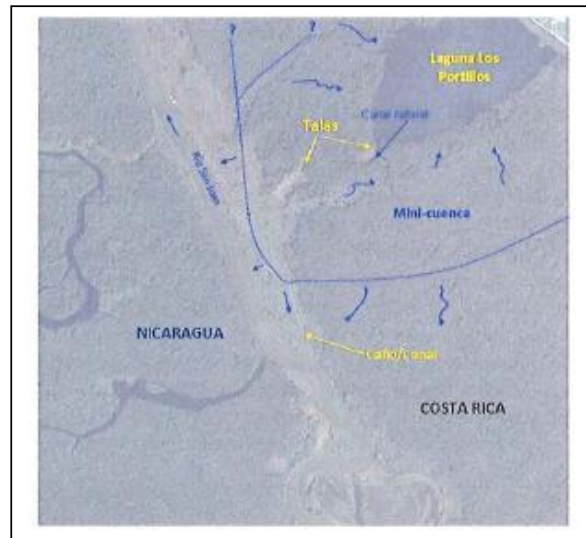


Figure 3. Conceptual model of the runoff of surface waters in the HCN.

Ecological conditions

The Northeast Caribbean wetland is composed of a mosaic of bodies and water courses, in a matrix of temporarily or permanently saturated soils, fed by flows in the delta of San Juan River, circumscribed by a sandbar that limits the wetlands with the Caribbean Sea, giving rise to different types of wetlands such as lagoons, herbaceous marshes or swamp forests (HCN; *Plan de Manejo Refugio Nacional de Vida Silvestre, 2010; Plan de Manejo Parque Nacional Tortuguero, 2004; Chuprine y Hernández, 2005*).

The list of species of flora and fauna described in the HCN and their conservation status were designated in section 3 of the Report of the Ramsar Advisory Mission No. 69 (MRA, 2011). Based on the available information on the wealth and abundance of aquatic and terrestrial flora and fauna in the Northeast Caribbean wetland, it was possible to clearly note the high value of this area in terms of its biodiversity, which is closely related to the physical characteristics of the aquatic and terrestrial ecosystems. HCN is an area of importance for the conservation of unique species in the national territory of Costa Rica.

As indicated in Ramsar Advisory Mission No. 69 to the area of the Laguna Portillos (MRA, 2011), it is possible to establish that the ecological conditions in the sector of the *Caño Este* (CE) at the local level, are similar to those described for the HCN. Consequently, it is possible to assign a high ecological value to the area in its condition prior to the intervention.

The landscape where the CE is located is characterized by two dominant vegetation units (Figure 4): i) flooded grassland with *Raffia* palms (*Raffia taedigera*) and, ii) swamp or flooded forests, with the presence of *Pterocarpus officianalis*. In terms of area, these formations have remained relatively stable from 1961 to date, with a similar surface, except for the border that connects with the Caribbean Sea, which has eroded over time (see Figures 4 and 5), and an increase in vegetation cover in the flooded grassland area.

The foregoing is particularly relevant if compared to the dominant hydrological conditions in the San Juan River, using as an indicator a time series of the water surface level of Lake Nicaragua¹ (Figure 6). In recent decades there have been numerous floods of Lake Nicaragua, including particularly the one in 2011, which was considered one of the largest recorded historically. Based on the available records we can establish, at least qualitatively, that the area of study where the CE is located has remained relatively stable despite the floods recorded in the San Juan downstream of Lake Nicaragua and the area surrounding Laguna Los Portillos. This indicates that the capacity of the San Juan River to remodel the land has decreased over time, and for at least the last several decades it has generated a stable landscape, allowing vegetation assemblages to extend in coverage and continue successional processes characteristic of the HCN's vegetation. On the other hand, these same observations apply to measurements of flows carried out downstream from Lake Nicaragua in the last 4 years at station 1140 on Colorado River, approximately 25 km before the site of the CE (Figure 7).



Figure 4. Vegetation assemblages present in the area of study (Satellite image of 24 January 2011).

¹ USDA United States Department of Agriculture, Foreign Agricultural Service.
 Lake Nicaragua Height Variations from TOPEX/POSEIDON/Jason-1 and Jason-2/OSTM Altimetry.
http://vw.v.pecad.fas.usda.gov/cropexplorer/global_reservoir/gr_regional_chart.aspx?regionid=ca&reservoir_name=Nicaragua

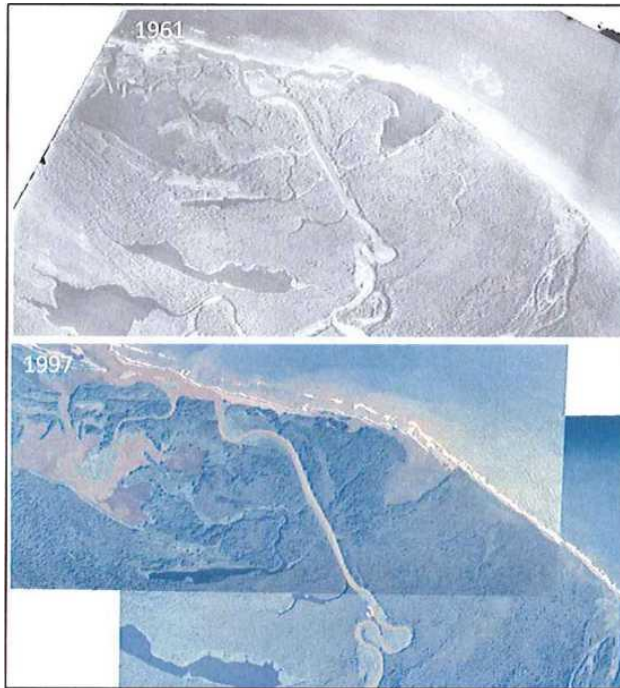


Figure 5. Vegetation formations present in the area of study. The image above corresponds to 1961 and the image below to 1997.

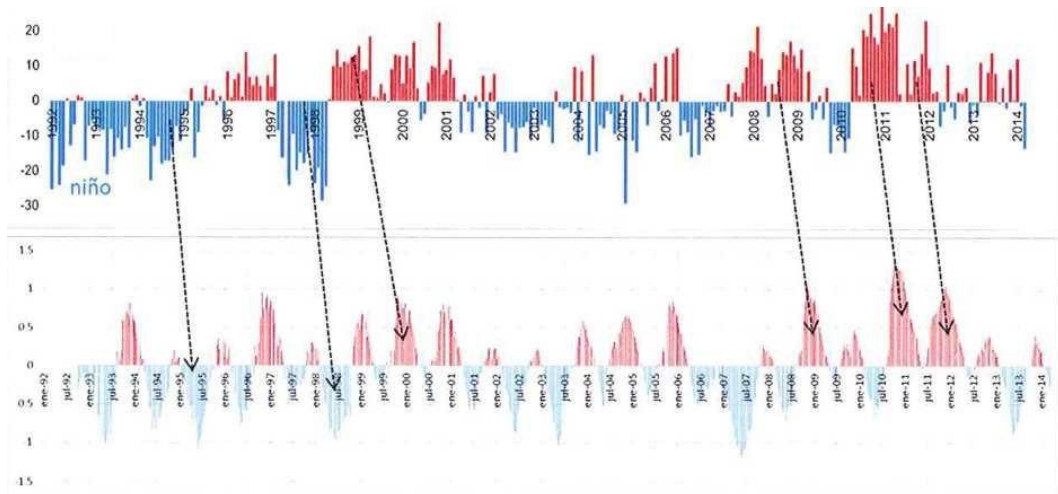


Figure 6. Lake Nicaragua. Variation in the level with regard to the average, perception information remote satellite missions POSDN, TOPEX, Jason and OSTM. (Lake height variation with respect to Jason-2 reference pass mean level meters).

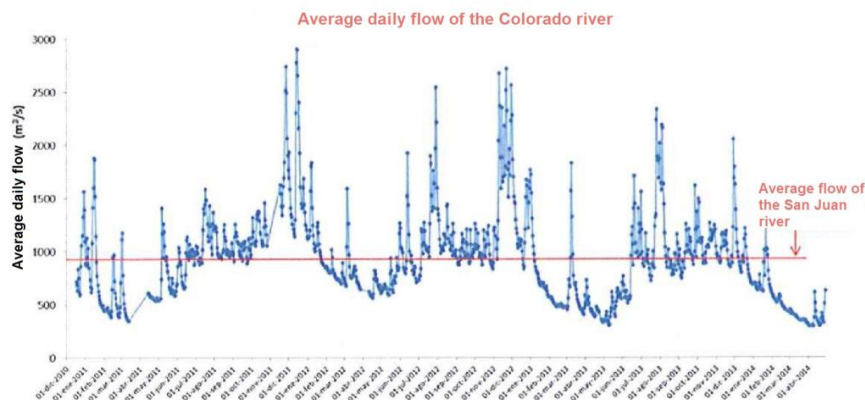


Figure 7. Average daily flow of the Colorado River measured at Station 1140, Delta Costa Rica. The red line shows the average flow of the San Juan River, estimated from a water balance of the San Juan River basin, in accordance with data supplied by ICE for the 2010-2014 period.

4. Assessment of changes in the ecological characteristics

First, we describe below the conditions encountered during the visit to the area of wetlands around the *Caño Este*, located on the right bank of San Juan River, at coordinates $10^{\circ} 56' 05.82''\text{N } 83^{\circ} 41' 21.40''\text{W}$, which was made on 11 March 2014 (Table 1, Figure 8). Subsequently, we refer to the assessment of the main changes in the ecological characteristics thereof, based on the visit and technical documents, photographs and relevant satellite images.

Table 1. Approximate geographic coordinates that describe and limit the polygon of the CE (obtained from Google Earth).

Vertex	N	W
A	$10^{\circ} 56' 7.5''$	$83^{\circ} 41' 24.9''$
B	$10^{\circ} 56' 6.7''$	$83^{\circ} 41' 23.1''$
C	$10^{\circ} 56' 14.4''$	$83^{\circ} 41' 25.7''$
D	$10^{\circ} 56' 13.8''$	$83^{\circ} 41' 26.6''$

Physical-hydrogeological component

The hydrometeorological situation at the time of the visit was drought, meaning that the flow of San Juan River was still low; even so the soil moisture was relatively high which indicates that groundwater levels were quite shallow.

With these conditions the area was flown over by helicopter, and two excursions were performed on foot and by boat in the *Caño Este* area (see Figure 8 and Annex - Photographs).

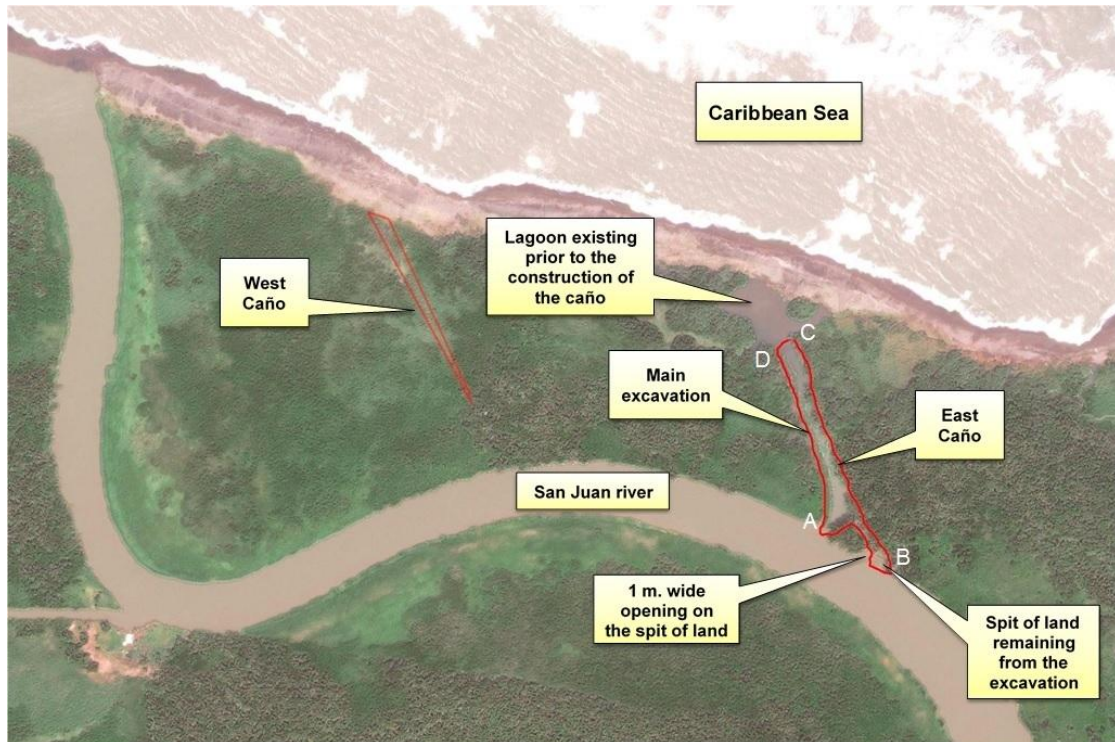


Figure 8. Location of the new *caños* West and East (taken from MINAE Report, December 2013).

A- Surface hydrology: river, canals and lagoons:

- We confirm the presence of a *caño* extending from the right bank of the San Juan River in a North-northwest direction to a lagoon that existed prior to construction of the *caño*. This is called *Caño Este* (CE).
- The *Caño Este* (CE in Figure 8 and Annex - Photographs) is artificial, having been excavated with machinery (dredge), according to the photographic evidence provided by Costa Rica.
- It is confirmed that San Juan River (SJR) discharges part of its runoff into the *Caño Este*.
- We observed accumulations of sediments from the excavation (dredge spoil) on both banks of the CE; however, the volumes do not agree with the excavated surface, so there must be other areas where sediments have been deposited.
- The lagoon located at the end of the *Caño Este* (East Lagoon, or Laguna Este (LE) in Figure 8 and in Annex 1 - Photographs) is composed of fresh water, which does not correspond to that described in the MINAE report (MINAE, 2013), which determined that at the time of their inspection the East Lagoon was made up of saltwater.
- The sandbar that separates the East Lagoon (LE) from the sea was not broken, and we did not find any remaining indications of the trench that was reported as having been dug partially across it during excavation of the CE.

B- Hydrogeology; groundwater:

- We observed several natural *caños*, directly on foot, by boat and from the air on a helicopter. Several photographs confirm this observation (see Assembly of photos in Annexed photos and Figure 3).
- The *caños* that we were able to access by boat have depths ranging from 1.5 to 2 metres. This data is not precise because it was only measured with rods and oars.
- Where possible, the water in the natural *caños* was tested, and it was fresh water.
- This is an indication that the freshwater-saltwater interface (see Figure 1) is well below the bottom of the *caños* and the East lagoon (LE).
- In and around the area walked and flown over of the CE, we observed at least four natural *caños*, most with convergent flow in the direction of the *Caño Este* lagoon; one of them toward Laguna Portillos.
- We consider that these *caños* are natural and represent the phreatic aquifer's discharge areas during the dry period or surface waters during the rainy season.

Ecological component

A- Biota

- We confirmed the felling of trees during construction of the CE, of the species *Raphia taedigera* and *Pterocarpus officianalis*, noting the presence of stumps and pieces of logs deposited on the shore of the end lagoon of the CE. The number of trees felled could not be estimated with accuracy.
- We were unable to verify directly impact on aquatic and/or terrestrial fauna as result of construction of the CE.
- We verified qualitatively the loss of plant biomass (stumps) in the area of excavation of the CE, due to felling of vegetation and excavation of the CE (see Annex - Photographs).
- There is a probable change in the abundance and distribution of species of terrestrial flora and fauna due to the excavation of the CE.

B- Habitat

- We confirmed the loss of terrestrial habitat, due to its transformation into a lentic habitat.
- We confirmed the loss of organic soil on the entire excavation stretch of the CE.
- We verified that sediment from the excavation had compacted the natural soil and buried vegetation on both banks of the CE.
- We confirmed that the lagoon located at the end of the *Caño Este* (LE), receives water from San Juan River with a higher content of suspended sediment, reducing the transparency of the waters of the lagoon, thus generating changes in the quality of the water.

C - Landscape

- The excavation of the CE resulted in the fragmentation of the biological corridors, losing the spatial continuity previously observed in the vegetation formations present in the area (compare Figures 4 and 8).

Below is a brief summary of the discussions between the Ramsar experts and the participants from MINAE, MRE and ICE in Guápiles, on 12 March 2014.

Each of these findings indicated by the Ramsar mission experts was analysed jointly with specialists from MINAE, MRE and ICE, using the procedure known as "brainstorming" to analyse possible

solutions to the CE problem.

The main points analysed are presented below:

- Verification of the orientation and geometry of the *Caño Este* excavated in September 2013;
- Preliminary conceptual model of surface and sub-surface runoff systems;
- Other evidence of the impacts of the *Caño Este* (e.g. Mangroves, raffia palms);
- Comparison of 1961, 1980 and 1991 satellite images;
- Verification of the recovery in the area around the *Caño* excavated in 2010;
- Options for action and rehabilitation measures.

5. Working hypotheses adopted.

This section describes the working hypotheses adopted for the analysis of the impacts generated by the excavation of the *Caño Este* on the ecological status of the area of study, which are the basis for the quantitative analysis in Section 6.

- The alluvial sediments of Quaternary (Pleistocene) age have created an alluvial aquifer, phreatic and shallow, with thicknesses between 40 and 100 m. It is estimated that these thicknesses are for the whole area of the Ramsar site.
- The aquifer lies on volcanic rocks of Pliocene-Miocene age (2 M to 20 M years old), with thickness estimated between 100 and 200 m. The underlying base is of Cenozoic origin, being formed 50 to 60 M years ago (Figure 9).
- The wetland is of late Pleistocene (around 100,000 years old) to Holocene (less than 12, 000 years old) origin, with thickness ranging from 2 to 10 m.
- The hydrological system (which includes surface water (San Juan river, *caños*, lagoons) and groundwater (phreatic aquifer)), is in hydrodynamic equilibrium.
- The hydrological system of the wetland essentially works through changes in the water levels of the San Juan river, *caños*, lagoons and aquifer.
- The recent highest floods (last 20 years) of the San Juan river have not changed the morphology of the wetland (see Figures 6 and 7). The ecological characteristics observed in the excavation area of the *Caño Este*, are similar to those recorded in the HCN.

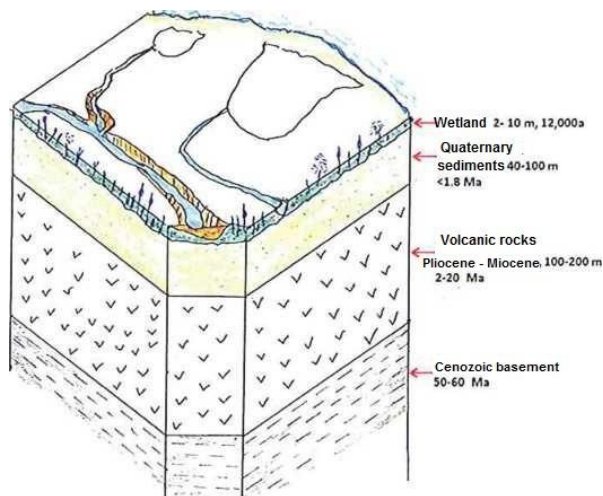


Figure 9. Three-dimensional schematic diagram showing the geology of the HCN.

6. Quantitative analysis

A quantitative analysis of the potential changes that the *Caño Este* can produce on the ecological state of the adjacent wetlands in the HCN, requires adequately understanding the physical characteristics of the area. The relevant aspects that need to be studied include the following:

- **Morphology:** the morphology of the river cross-section of the San Juan River in the area of the *Caño Este* (including the wetted perimeter) for a scenario of 15% hydrologic exceedance.
- **Topography:** high resolution topographic mapping of the area around the *Caño Este* at 1:500 scale, with ± 0.5 m resolution), including the bathymetry of the *Caño Este* and the Laguna Este.
- **Hydrogeology:** time series of the phreatic levels (water table elevations) in the area surrounding the *Caño Este*.
- **Hydrology:** hydrological time series (hydrograph) of the San Juan River in the area of the *Caño Este*. This could be generated by based transformation of information and data available for rivers upstream of Delta Costa Rica and from the Colorado River. Data should be synthesized for scenarios representing the 15%, 50% and 85% probability of exceedance discharges and compared with the corresponding variations in stage (water surface elevation) of the San Juan River, regarding the hydraulic depth (hydraulic radius) of the river.
- **Meteorology:** historical rainfall record of the HCN.

With these data it would be possible to estimate the Southwest-Northeast hydraulic gradient and hydraulic pressure exerted by the San Juan River from the bifurcation of the *Caño Este* all the way to the sea (see diagram in Figure 10). Thus, we would obtain the areal distribution of the

flows and flood-prone areas downstream from the point where the *Caño Este* bifurcates from the San Juan River.

Comparison of hydro-dynamics of San Juan River with the behaviour of the hydraulic depth of the *Caño Este* would make it possible to assess the vulnerability of the area around the *Caño Este* in different hydrological scenarios, and particularly during flood events.

The direct evidence available for the area of Laguna Portillos that was affected during construction of the first Caño, in 2011 (MRA, 2011) establishes a high capability for natural regeneration of the vegetation in this area, provided the physical conditions of the area are maintained insofar they are not further deteriorated. In this way, it may be expected that if the area around the CE keeps or recovers its topographic, bathymetric, hydrological and hydrogeological conditions, the natural restoration process of the area might begin. However, the natural restoration period may be extended (medium to long-term), due to the large volume of sediment removed.

Assessment of potential effects

The rigorous, quantitative analyses required to resolve issues concerning the potential effects mentioned above would require accurate information and data regarding:

- Series of data regarding the runoff of San Juan River;
- Topography on a 1:500 scale map with a resolution of $\pm 0.5\text{m}$;
- Bathymetry of the lagoons, streams, river and *caños*;
- Hydraulic area of the *caños*;
- Rainfall on the area of the HCN.

However, these data are not currently available. Considering that there is no accurate information to perform a quantitative analysis, and the lack of data from detailed maps of the site containing this information, at this time it is only possible to perform a qualitative analysis based on the working hypotheses adopted and described in Section 5, together with expert knowledge. This qualitative analysis is presented herein.

In this context, we present below analysis of the following issues, based on the information available from existing documents, as well as from the visit of the area around the *Caño Este*:

- risks to which the HCN is exposed in the area adjacent to the *Caño Este*;
- risks under a scenario in which the narrow spit of land between the San Juan River and the *Caño Este* is breached (this spit of land is a triangle shaped islet at the mouth of the *Caño Este* where it bifurcates from the San Juan River; see Annex - Photographs) and a strong hydraulic connection develops between the San Juan River, the *Caño Este* and the *Laguna Este*, and;
- risk of saltwater intrusion from the sea.

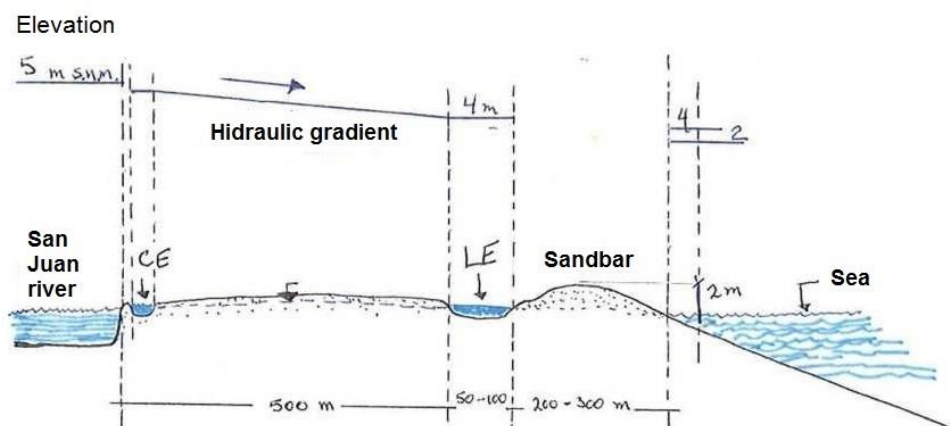


Figure 10. Schematic, SW-NE cross-section with a hypothetical hydraulic gradient through the area around the *Caño Este* (not drawn to scale).

Risks to which the HCN is exposed in the area adjacent to the *Caño Este*

Conceptual hydraulic behaviour of river bifurcations

In general, the branching of rivers, whether natural or artificial, tends to divide their flows based on four important hydraulic parameters:

- the size of the two or more branches involved in the bifurcation;
- the angles between the entrance channel and the exit channel(s);
- the gradients of the bifurcation channels, and;
- the roughness of the channels.

The relative importance of these parameters is dictated by the intensity of the rainfall upstream of the bifurcation as well as directly on the area. These parameters would allow quantification of the hydraulic behaviour of the San Juan River and the *Caño Este* around their point of bifurcation.

Possibility of a connection between the San Juan River and the sea through the opening of the Caño Este.

Due to the bifurcation of the San Juan River with the CE during the rainy season and the consequent increase in the flow of the river, this could result in a derivation of erosion through the CE which could cause a rupture of the sandbar. The probability of occurrence can be quantified using a combination of hydrological, hydraulic and soil mechanics principles.

These principles could be used to calculate the conditions for deformation or rupture of the sandbar because, by applying principles of geotechnical engineering and soil mechanics, it is possible to estimate the resistivity of the sand sized sediment to the fluid pressures.

The shear strength of a soil mass is the internal resistance per unit area that the soil can offer to resist failure and sliding along any plane inside it. The nature of shear strength is understood as the

slope stability and lateral pressure on soil-retaining structures. The sandbar between the *Laguna Este* and the sea falls into the latter two categories; therefore the analysis of shear strength soil mechanics can be applied.

Figure 11 is a schematic cross-section through the *Laguna Este* (LE) in contact with the sandbar (BA) with approximate values of what was observed during the Ramsar mission. These values were used to tentatively calculate the resulting force exerted by the *Laguna's* water pressure. For this there are two types of pressure: hydrostatic and hydrodynamic. Since the water in the *Laguna Este* is currently contained (i.e., the fluid is at rest and at constant pressure), the force can first be approximated using hydrostatic pressure.

The pressure exerted by the *Laguna's* water against the bar is equal to:

$$P = F/A$$

Where, P = pressure, F = normal force, and A = contact area between the *Laguna* and the bar (see Figure 11). From this, the water pressure exerted on the contact area with the bar can be deduced and calculated as follows:

$$F = \frac{1}{2} \Delta g w d^2$$

Where, Δg = specific weight of water (density x gravity), w = width of the *Laguna*, and d = depth of the *Laguna*, as shown in the sketch in Figure 7.

Considering a lagoon width of 100 m (across a section orthogonal to the beach) and a depth of 1-2 meters, the resulting force due to the hydrostatic pressure would be:

$$F = 1 \text{ to } 5 \text{ MPa}$$

On the other hand, through various tests in geotechnical engineering, it is known that the beach sands have a shear strength of around 30 MPa. Therefore, under the natural conditions of the *Laguna Este* and given the composition of the bar, there is little or no risk of it rupturing.

However, in the case of hydrodynamic pressure, i.e. when the fluid is in motion, the pressure would not be constant. The condition for this to happen is that the LE lagoon would be affected by the CE if it were to increase its flow because of the junction with the San Juan River.

In this case, and with these conditions, one could also calculate the potential forces that could rupture the sandbar by means of hydrodynamic pressure as follows:

$$P = \bar{p} + k(\nabla \cdot V)$$

Where, \bar{p} = mean pressure, k = kinematic viscosity; and $\nabla \cdot V$ is the divergence of the fluid velocity vector.

In a scenario where there is a hydraulic connection between the flow of the river and in the *Caño Este-Laguna Este*:

$$Q = AV$$

where, Q = volumetric discharge, A = cross-sectional area of the river and/or *Caño Este* (average depth x width of the relevant cross-section), and V = average velocity of water. If details of the cross-sectional geometry, bathymetry, hydraulic gradient and discharges of the San Juan River, the *Caño Este* and the *Laguna Este* were available, the above equation could be applied to estimate the hydrodynamic pressure throughout the profile described in Figure 9, and thus the discharges and required water pressure necessary to rupture the sand bar could be calculated.

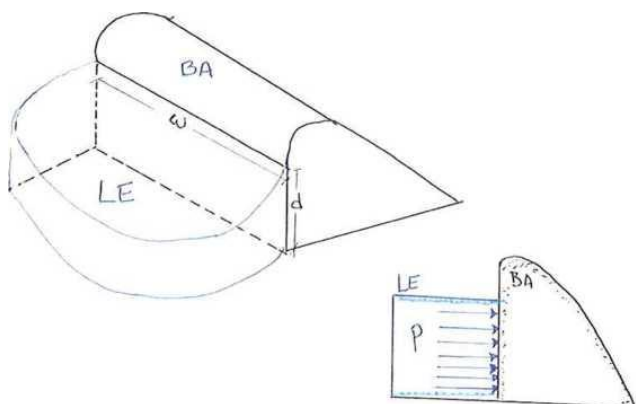


Figure 11. Sketch of the contact between the *Laguna Este* (LE) and the sandbar (BA).

If a permanent hydraulic connection develops between the San Juan River, the *Caño Este* and the Caribbean Sea, through the *Laguna Este*, this could allow river runoff to flow to the sea. The fraction of the flow of the San Juan River through the *Caño Este* would depend on its size, slope and roughness and on the season and intensity of rainfall.

However, in the absence of data necessary to support such calculations, the best estimate is that the probability of the sand bar rupturing is low to medium. There would still be two further effects that could modify the conditions of rupture of the sandbar. On the one hand the tides, and on the other, infiltration into the groundwater aquifer. Indeed, it is known that in very wet basins, typical storms generate a saturated zone greater than 75% of the covered surface. That is, in conditions of humidity in the HCN area, a typical storm tends to generate a runoff that is distributed depending on the vegetation, the topography and soil permeability. In areas that are excessively humid and with shallow groundwater aquifers, such as the HCN, the contribution of the rain tends to cover an area of infiltration and saturation of nearly three quarters of the surface; the aquifer acts as a "sponge" that absorbs much of the rain. This means that even during heavy flooding of the RSJ, the hydrodynamic pressure would be largely reduced by the effect of the aquifer.

Existence of risk of saltwater intrusion from the sea

Regarding the risk of saltwater intrusion from the sea, a simple calculation to try to establish the interface freshwater-saltwater (see Figure 1) was performed, and according to the Ghyben-Herzberg formula, it was estimated that in the site's hydrogeological circumstances (groundwater level elevation, terrain elevation, flow direction, distance to the coast) the interface would be located between 30 and 40 m below the groundwater level elevation. The main hypothesis is that there is an essentially horizontal flow to the coastline; however, the closer the coast, the shallower the fresh water/salt water interface will be. Based on these assumptions, it is estimated that the risk of saline intrusion is low. These estimates are based on observations about the site; however, these must still be confirmed with more accurate data on the topography and bathymetry.

7. Proposed scenarios and steps

Considering that there is insufficient information on the area around the *Caño Este* to make a quantitative assessment of the potential changes in the ecological status of HCN in the study area caused by the construction of the *Caño Este*, different qualitative scenarios are used below to analyse the need for implementation of restoration measures in the area of the *Caño Este* in the HCN.

Scenario 0: This scenario considers not implementing any measures of restoration of the *Caño Este*, relying instead on the ability of natural restoration observed directly in the HCN and of the landscape stability in recent decades. However, the present uncertainty about the lack of quantitative information on the area indicates that this scenario is not sustainable on the basis of the precautionary principle that must exist in order to maintain the ecological characteristics of the site under the Ramsar Convention.

Scenario 1: Implementing mitigation measures to prevent the disruption generated by the *Caño Este* in the HCN from continuing to spread. This implies avoiding the risk that the volume control that the San Juan river currently has over the behaviour of the *Caño Este* and the terminal lagoon of the *Laguna Este* (amendment of water levels), is transformed into a hydraulic control by flow. This means that a hydraulic connection between the San Juan River and the Caribbean Sea will not occur through the *Laguna Este*. Through ecological engineering mitigation measures, using the materials that exist in the HCN, the zone of the *Caño Este* where a watershed naturally occurs (stub zone) can, for example, be stabilized or reinforced. These works could temporarily "contain" any increases in water volumes transported by the *Caño Este* during the flooding of the San Juan River. As the hydrodynamics of the RSJ/CE/LE/BA system are better understood, the designs of the works can be modified.

Regarding the above scenarios, the Mission recommends to follow the precautionary approach and not to wait for the improvement of the quantitative analysis before the implementation of Scenario 1. This should be accompanied by the rigorous implementation of a monitoring program.

In order to implement Scenario 1, the Costa Rican government must submit to the Secretariat of the Ramsar Convention an implementation plan of the proposed measures that enable its execution without affecting the Ramsar site and the San Juan River, in accordance with the ruling of the International Court of Justice.

Likewise, it is essential to start a monitoring program in the area of the *Caño Este*, including the *Laguna Este*, as soon as possible, as was indicated in the note of 7 May 2014. Said monitoring should include, at least: The attainment of aerial photographs and/or satellite imagery, on a monthly basis, of the entire extension of the *Caño Este*, between the San Juan River and the beach (*Laguna Este*). Moreover, it is necessary to implement and maintain a continuous record of flows in the Colorado River (upstream and downstream from where it branches out from the San Juan River). The monitoring plan and its results must be submitted to the Ramsar Secretariat in order to be able to carry out the respective monitoring and adjustment.

The implementation of other scenarios will depend on the results of the monitoring program and of the attainment of the quantitative information detailed below:

- Series data of runoff rates of the San Juan river;
- Topography in the map at a scale of 1:500 with a resolution of ± 0.5 m (see specifications on the part of topography);
- Bathymetry of the lakes, streams, river and *caños*;
- Hydraulic area of the *caños*;
- Precipitation over the area of the HCN;
- Dimensions of the junction between the San Juan River and the mouth of the *Caño Este*;
- Angles between the San Juan River and the *Caño Este* at its mouth and with the *Laguna Este*;
- Slopes of the *Caño Este*;
- Roughness of the *Caño Este*.

On the topography in the *Caño Este*, as indicated in the note of 7 May 2014, the following guidelines must be followed:

Requirement of topographic and bathymetric information of the *Caño Este* sector:

- 1) The area of the survey corresponds to the *Caño Este*, including the *Laguna Este* between the *caño* and the beach. The boundaries of the area extend from the banks of the San Juan river to the edge of the beach.
- 2) A topographic survey of the entire edge of the *Caño Este*, including the lagoon, must be carried out, with a maximum distance of 10 meters between each point of measurement.
- 3) A bathymetric survey of the *Caño Este* and the lagoon must be carried out in cross sections with a maximum distance of 25 m between sections and depth measurements with a maximum distance of 5 m from the San Juan River to the edge of the beach.
- 4) The topography and bathymetry must be tied to a landmark with the official coordinates of Costa Rica.

8. Conclusions

- The construction of the *Caño Este* altered the ecological character of the wetlands in the study area in the HCN Ramsar Site through the modification of its physical and ecological conditions.
- There is no data in the area of the *Caño Este*, with which to quantitatively assess the extent of the alteration of HCN and its vulnerability to flooding of the San Juan River.

- The proposed Scenario (1) should be implemented (following the precautionary principle), together with the implementation of a rigorous monitoring program.
- Monitoring in the area of the *Caño Este* must begin as soon as possible in order to evaluate its behaviour, considering morphological and hydrological variables.
- It is recommended to carry out measurements of the cross-section of the *Caño Este* in drought time, a season in which there is less precipitation.

9. References

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Annex - Photographs

Assembly of photos of the HCN site taken by the RAMSAR mission





The area is characterized by a complex mosaic of water courses and bodies, many of which may be of natural origin.

ANNEX 79

Instituto Costarricense de Electricidad, Colorado River, Gauging Station
1104, Average daily flow table

2010-2014

English translation



Instituto Costarricense de Electricidad-Proyectos y Servicios Asociados
Basic Studies on Engineering and Hydrology
 Period 2010-2014

STATION : 11-04 Delta Colorado

Average Daily Flow m³/s

Hydrological Year	Day	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2010	1												
2010	2												
2010	3												
2010	4												
2010	5												
2010	6												
2010	7												
2010	8												
2010	9												
2010	10												
2010	11												
2010	12												
2010	13												
2010	14												
2010	15												
2010	16												
2010	17												1283
2010	18												1245
2010	19												1181
2010	20												1427
2010	21												1320
2010	22												1157
2010	23												1123
2010	24												1132
2010	25												1462
2010	26												1695
2010	27												1805
2010	28												2017
2010	29												2288
2010	30												2091
2010	31												1740
Total													
2011	1	1494	934	1759	N.D	543	864	990	1222	980	1073	N.D	1690
2011	2	1469	932	1838	N.D	546	867	1055	1240	910	1135	N.D	1936
2011	3	1782	939	1355	N.D	556	1037	996	1224	1141	1319	N.D	1584
2011	4	1561	958	1134	N.D	560	997	1043	1186	1254	1187	N.D	1409
2011	5	1487	950	1020	N.D	743	894	988	1036	1147	1083	N.D	1347

2011	6	1667	975	954	N.D	1411	911	911	986	1180	1087	N.D	1326
2011	7	1442	940	906	N.D	1170	881	879	966	1143	1056	N.D	1258
2011	8	1307	913	873	N.D	941	772	943	949	1091	1098	N.D	1207
2011	9	1217	923	851	N.D	1263	717	919	968	1077	1309	N.D	1172
2011	10	1159	909	842	N.D	1185	690	906	954	1000	1345	N.D	1140
2011	11	1204	871	818	N.D	1055	656	897	948	971	1374	N.D	1299
2011	12	1716	852	805	N.D	949	658	1019	936	952	1380	N.D	2301
2011	13	2121	928	802	N.D	924	666	1202	931	1078	1366	N.D	2774
2011	14	2334	1188	N.D	611	952	784	1405	992	1052	1287	N.D	2905
2011	15	2649	1562	N.D	595	875	993	1357	1019	944	1183	N.D	2898
2011	16	2639	1586	N.D	587	816	1109	1443	1200	918	1167	N.D	2653
2011	17	2239	1289	N.D	587	754	1137	1585	1258	1010	1102	1630	2162
2011	18	1796	1153	N.D	572	671	959	1491	1142	1087	1078	1541	2407
2011	19	1513	1086	N.D	569	646	979	1484	1105	1083	1055	1427	1927
2011	20	1348	1014	N.D	578	648	928	1263	1007	1099	1063	1340	1607
2011	21	1242	997	N.D	565	610	1072	1144	977	1038	1229	1427	1450
2011	22	1170	964	N.D	563	611	1004	1099	1016	947	1459	1611	1405
2011	23	1116	898	N.D	551	749	959	1256	1012	888	1301	1691	1434
2011	24	1067	868	N.D	548	705	956	1434	989	914	1242	1841	1602
2011	25	1035	855	N.D	546	635	1025	1239	972	1037	1161	2518	1688
2011	26	1008	912	N.D	539	606	1010	1133	964	1111	1055	2738	1445
2011	27	1002	980	N.D	542	594	996	1036	998	1127	N.D	2494	1366
2011	28	987	1272	N.D	567	587	873	974	977	1017	N.D	2065	1252
2011	29	978		N.D	564	630	884	1263	1082	938	N.D	1903	1246
2011	30	1000		N.D	558	681	965	1369	1004	970	N.D	1769	1201
2011	31	949		N.D		698		1203	964		N.D		1140
2012	1	1120	846	739	N.D	624	1221	732	1402	941	1263	1197	2285
2012	2	1129	840	709	N.D	639	1037	780	1345	891	1209	1227	1865
2012	3	1147	827	694	N.D	656	1021	767	1294	876	1023	1225	1705
2012	4	1196	823	679	N.D	669	989	837	1114	902	1054	1146	1515
2012	5	1570	805	1044	N.D	667	848	1215	1052	873	1033	1024	1457
2012	6	1804	798	1589	N.D	691	835	1189	983	1013	1170	929	1451
2012	7	1835	801	1261	N.D	651	818	1060	1016	949	1047	1112	1301
2012	8	1409	809	970	N.D	653	841	979	1050	925	941	1289	1214
2012	9	1246	1017	860	N.D	668	793	1077	1018	1027	952	2044	1172
2012	10	1149	942	780	N.D	606	838	1271	1006	1167	988	2677	1070
2012	11	1076	834	751	624	603	918	1195	1164	1087	929	2370	1033
2012	12	1030	802	758	601	591	1523	1053	1151	1114	873	1882	1052
2012	13	1002	794	750	589	592	1928	1019	1073	996	873	1591	1117
2012	14	1003	774	755	580	647	1436	1039	1067	937	966	1886	1055
2012	15	1052	761	778	573	795	1160	998	1124	959	1199	2351	1091
2012	16	1233	751	809	565	935	1004	997	1426	1083	1109	1653	1106
2012	17	1272	742	831	604	819	905	1038	1440	1211	959	1703	1003
2012	18	1176	738	861	740	692	966	950	1228	1073	937	2182	927
2012	19	1073	734	824	820	638	902	1261	1116	973	1044	1712	875
2012	20	1012	728	764	822	616	821	1902	1080	945	1065	1799	838

2012	21	989	740	725	790	723	823	1827	1020	902	1177	2518	857
2012	22	957	729	707	746	765	784	1526	1005	887	1167	2716	1081
2012	23	926	712	698	720	706	807	1378	1155	904	1239	2327	1207
2012	24	903	699	688	735	768	864	1418	1057	1203	1066	1773	1511
2012	25	896	700	678	685	943	848	1764	957	1067	972	1513	1679
2012	26	883	800	658	672	859	748	1641	1260	965	913	1832	1620
2012	27	873	894	646	644	862	709	1406	1176	944	885	1966	1218
2012	28	865	760	N.D	686	821	712	1970	997	993	907	1714	1460
2012	29	848	739	N.D	652	846	723	2543	963	1021	857	2228	1662
2012	30	859		N.D	610	1169	737	2215	954	1065	839	2563	1594
2012	31	864		N.D		1265		1596	1013		897		1769
2013	1	1722	570	455	489	356	769	1559	2014	960	1227	971	1795
2013	2	1551	569	483	729	346	683	1201	1639	1015	1089	973	1628
2013	3	1311	569	561	659	341	623	992	1575	838	1496	949	1389
2013	4	1147	555	735	543	396	566	886	2189	769	1458	928	1206
2013	5	1047	541	676	496	432	618	929	2158	746	1119	941	1078
2013	6	975	531	666	570	355	562	856	1635	800	1081	912	991
2013	7	911	519	937	510	326	632	928	1444	904	1093	892	945
2013	8	854	512	1570	457	314	558	1171	1171	919	1122	906	895
2013	9	823	505	1833	432	301	515	929	1039	835	957	1029	860
2013	10	804	495	1325	453	310	537	908	952	988	884	1158	831
2013	11	806	488	971	442	384	575	966	897	990	907	1172	803
2013	12	781	481	772	420	426	555	1011	849	1255	885	1045	798
2013	13	745	483	699	411	464	578	884	N.D	1197	904	1173	899
2013	14	723	478	675	394	620	959	838	1017	1056	984	1092	953
2013	15	700	502	705	395	563	1153	773	929	990	890	1047	930
2013	16	685	500	641	387	522	1230	768	842	1003	1036	1158	896
2013	17	676	495	588	397	459	1063	724	849	1209	1052	1189	1114
2013	18	679	480	549	476	405	871	763	918	1001	1054	1073	1213
2013	19	710	509	535	475	386	1408	877	873	1130	1033	1005	1155
2013	20	705	503	517	456	478	1706	1004	780	1091	1108	916	1039
2013	21	702	487	499	444	528	1447	847	796	967	1265	872	928
2013	22	665	486	481	430	615	1076	842	828	914	1115	877	867
2013	23	656	469	469	N.D	648	985	1235	784	946	1196	867	824
2013	24	653	483	457	N.D	564	998	1322	865	876	1099	851	785
2013	25	645	482	450	N.D	619	937	1345	982	936	1106	952	756
2013	26	670	481	439	356	581	1403	2233	968	997	1141	952	742
2013	27	631	478	422	351	578	1259	2335	822	1619	1173	891	719
2013	28	593	476	407	342	603	1177	1889	1159	1206	1191	1227	699
2013	29	575		466	331	555	964	1852	1076	941	1244	2054	693
2013	30	570		586	333	710	1254	1685	917	1371	1201	1688	688
2013	31	577		512		699		1875	873		1045		697
2014	1	688	579	447	300	507	842	1716	2054	704	939	927	
2014	2	699	567	449	294	549	765	2051	2422	852	851	1236	
2014	3	704	559	414	292	590	600	1776	2331	942	927		

2014	4	688	555	432	292	464	582	1516	1905	989	1002		
2014	5	655	543	416	301	399	1097	1254	1704	868	890		
2014	6	642	533	408	302	374	981	1191	1399	786	981		
2014	7	637	522	408	304	369	930	1714	1240	889	927		
2014	8	655	516	400	296	432	815	1481	1178	840	1334		
2014	9	653	532	397	296	557	678	1318	1200	766	1347		
2014	10	697	553	394	375	456	685	2084	1148	744	1132		
2014	11	779	564	392	613	836	658	2184	1089	1115	1169		
2014	12	675	594	379	515	770	857	2336	1270	1620	1369		
2014	13	636	569	376	431	567	1647	2299	1233	1379	1488		
2014	14	640	524	371	370	461	2206	1822	1049	1195	1420		
2014	15	637	506	357	340	408	1556	1724	1061	1140	1625		
2014	16	623	502	356	327	412	1572	1934	1152	1062	1390		
2014	17	895	488	354	325	531	1441	2299	1119	942	1278		
2014	18	1013	476	354	302	463	1567	2426	1314	1164	1326		
2014	19	768	470	349	302	389	1563	2332	1193	1367	1373		
2014	20	1007	461	350	311	358	1815	2483	1146	1313	1448		
2014	21	1243	456	360	365	333	1586	2385	1075	1159	1308		
2014	22	1021	453	355	415	348	1471	2150	1062	1022	1192		
2014	23	1016	443	346	380	473	1875	2315	991	937	1142		
2014	24	961	439	356	353	503	2188	2360	900	938	1208		
2014	25	816	437	352	334	508	1727	2278	830	983	1117		
2014	26	733	438	351	326	530	2010	2429	787	1261	1093		
2014	27	685	429	346	507	643	2249	2683	755	1279	1264		
2014	28	650	427	329	627	627	1734	2372	789	1082	1020		
2014	29	631		319	480	678	1478	2022	781	1028	957		
2014	30	608		322	524	584	1382	1960	746	1020	938		
2014	31	596		315		605		2018	706		919		

N.D

No Data

ANNEX 80

Photographs of sediment deposit sites in Nicaraguan territory

PHOTOGRAPHS OF SEDIMENT DEPOSIT SITES ON NICARAGUA TERRITORY



Photograph 1: Sediment deposit site northwest of Nicaraguan Delta army post
Coordinates 10°46'24.56"N 83°45'58.69"O



Photograph 2: Sediment deposit site north of Nicaraguan Delta army post
Coordinates 10°46'26.44"N 83°45'55.09"O

PHOTOGRAPHS OF SEDIMENT DEPOSIT SITES ON NICARAGUA TERRITORY



Photograph 3: Sediment deposit site northwest of Nicaraguan Delta army post
Coordinates 10°46'24.56"N 83°45'58.69"O



Photograph 4: Sediment deposit site north of Nicaraguan Delta army post
Coordinates 10°46'26.44"N 83°45'55.09"O

