

DISPUTE CONCERNING
ALLEGED VIOLATIONS OF SOVEREIGN
RIGHTS AND MARITIME SPACES IN THE
CARIBBEAN SEA
(NICARAGUA V. COLOMBIA)
REPLY OF THE REPUBLIC OF NICARAGUA
ANNEXES

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ANNEX 1

Note Verbale from the Permanent Mission of
Nicaragua to the United Nations Secretary General
MINIC-NU-037-13, 23 September 2013

Illegible 09 50 hr

Seal

Permanent Mission of Nicaragua before the United Nations
820 Second Avenue – 8th Floor
New York, NY 10017
(212) 490-7997

MINIC-NU-037-13

The Permanent Mission of Nicaragua before the United Nations presents its compliments to the office of the Secretary General of the United Nations and has the honour of attaching Decree No. 33-2013, published in the Official Journal La Gaceta No. 161 of 27 August 2013, in which straight baselines were established from which the breadth of the territorial sea, contiguous zone, exclusive economic zone and continental shelf will be measured.

The Permanent Mission of Nicaragua before the United Nations requests to His Excellency that the attached information be circulated to other States Parties and considered as official information submitted by the Republic of Nicaragua in compliance with the second paragraph of Article 16 of the United Nations Convention on the Law of the Sea.

The Permanent Mission of Nicaragua before the United Nations avails itself of this opportunity to renew to the Office of the Secretary General of the United Nations the assurances of its highest consideration.

New York, 23 September 2013
Seal

Office of the Secretary General
United Nations
New York

Republic of Nicaragua
Central America

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27 August 2013

La Gaceta

Government House

Government of Reconciliation and National Unity United Nicaragua Triumphs

Decree No. 33-2013

The President of the Republic
Comandante Daniel Ortega Saavedra,

Considering

I

That in accordance with Article 10 of the Political Constitution of the Republic of Nicaragua, the sovereignty, jurisdiction and rights of Nicaragua extend to the adjacent islands, cays and banks, as well as the internal waters, the territorial sea, the contiguous zone, the continental shelf, the exclusive economic zone and the corresponding airspace, in accordance with the law and the standards of international law,

II

That on 3 May 2000 the Republic of Nicaragua ratified the United Nations Convention on the Law of the Sea, an instrument that brings together the essential principles guaranteeing the rights of States in their marine areas,

III

That on 5 March 2002 the Republic of Nicaragua, in the interests of strengthening international law and its commitment to international law, adopted Law No. 420 on Marine Areas of Nicaragua,

IV

That the Caribbean coast of Nicaragua has a special configuration owing to the presence of numerous coastal islands closely linked by their history and economy to the mainland, and also owing to the fact that the coastline is deeply indented and cut into, and that it is of vital importance to maintain the territorial integrity, peace and security of the nation,

V

That the International Court of Justice issued a historic judgement on 19 November 2012 regarding the Territorial and Maritime Delimitation between Nicaragua and Colombia in the Caribbean Sea, in which it found that the islands adjacent to the coast of Nicaragua in the Caribbean Sea are part of the respective coast and contribute to the establishment of the baselines,

VI

That in view of the foregoing, the Republic of Nicaragua in the exercise of its full sovereignty over its marine areas and in accordance with the provisions of the United Nations Convention on the Law of the Sea and Law No. 420 on Marine Areas of Nicaragua, is proceeding to determine the straight baselines from which to measure the breadth of its marine areas in the Caribbean Sea,

In the exercise of the powers granted to him by the Political Constitution,

Has issued the following:

Decree

Baselines of the Marine Areas of the Republic of Nicaragua in the Caribbean Sea

Article 1. The straight baselines of the Republic of Nicaragua to be used to measure the breadth of its territorial sea, contiguous zone, exclusive economic zone and continental shelf in the Caribbean Sea shall be established.

Article 2. The baselines shall be determined by the geographical coordinates set forth in Annex I, as indicated in the chart that is included as Annex II to this Decree. Both annexes shall constitute an integral part of this Decree.

Article 3. The waters located within the interior of the baselines established under Article 1 of this Decree shall form part of the internal waters of the Republic of Nicaragua in accordance with the provisions of the United Nations Convention on the Law of the Sea.

Article 4. In compliance with the provisions of Article 16, paragraph 2, of the United Nations Convention on the Law of the Sea, this decree shall be duly publicized and a copy thereof, together with the annexes, shall be deposited with the Office of the Secretary-General of the United Nations.

Article 5. All legal provisions or regulations that contradict this decree shall be repealed.

Article 6. This decree shall enter into force on the date of its publication in the official journal La Gaceta.

DONE in the City of Managua, Government House, Republic of Nicaragua, on 19 August 2013.

Daniel Ortega Saavedra,
President of the Republic of Nicaragua

Paul Oquist Kelley,
Private Secretary for National Policies

Annex I

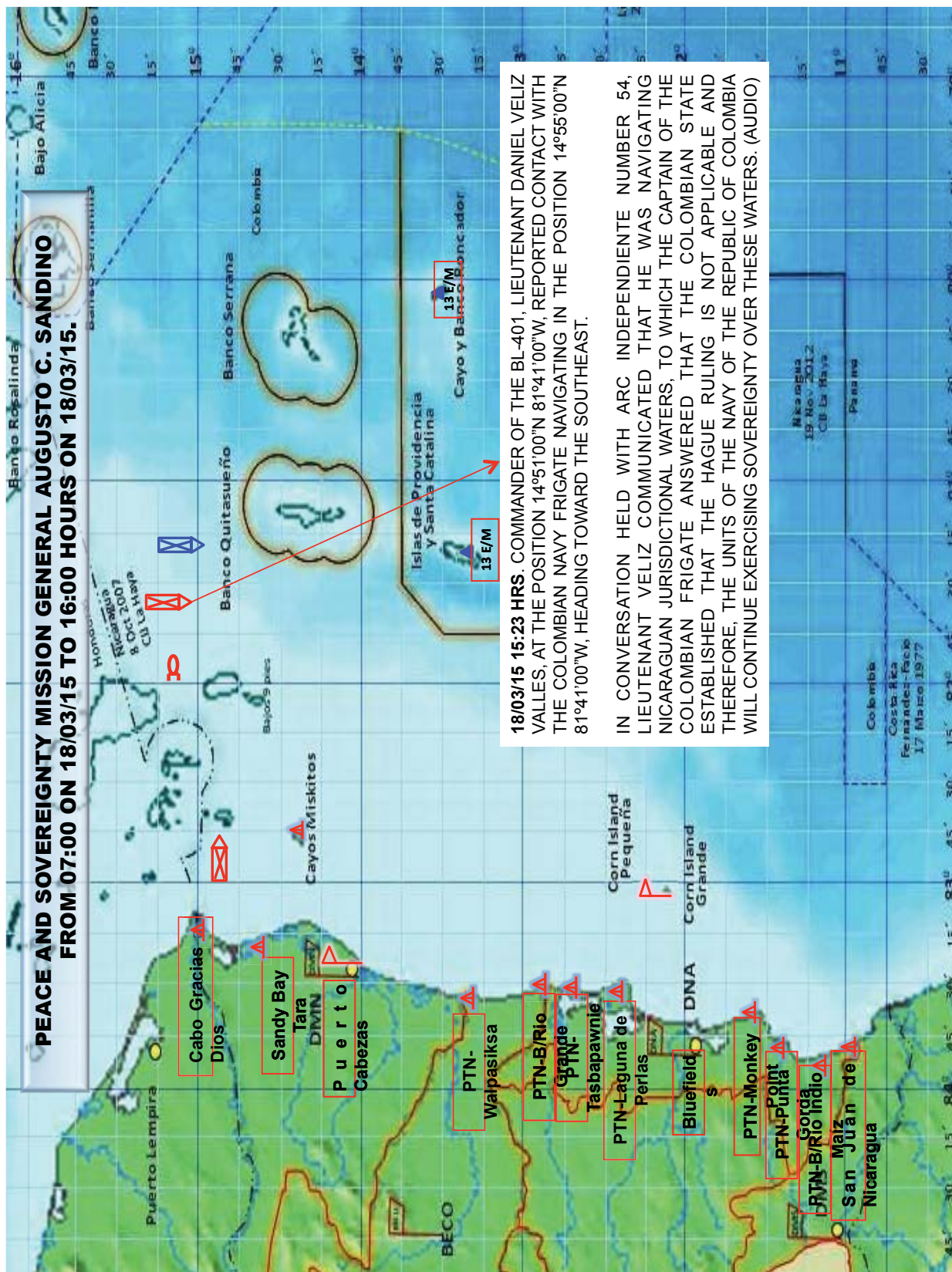
Straight baselines of Nicaragua in the Caribbean Sea WGS84 datum geographical coordinates

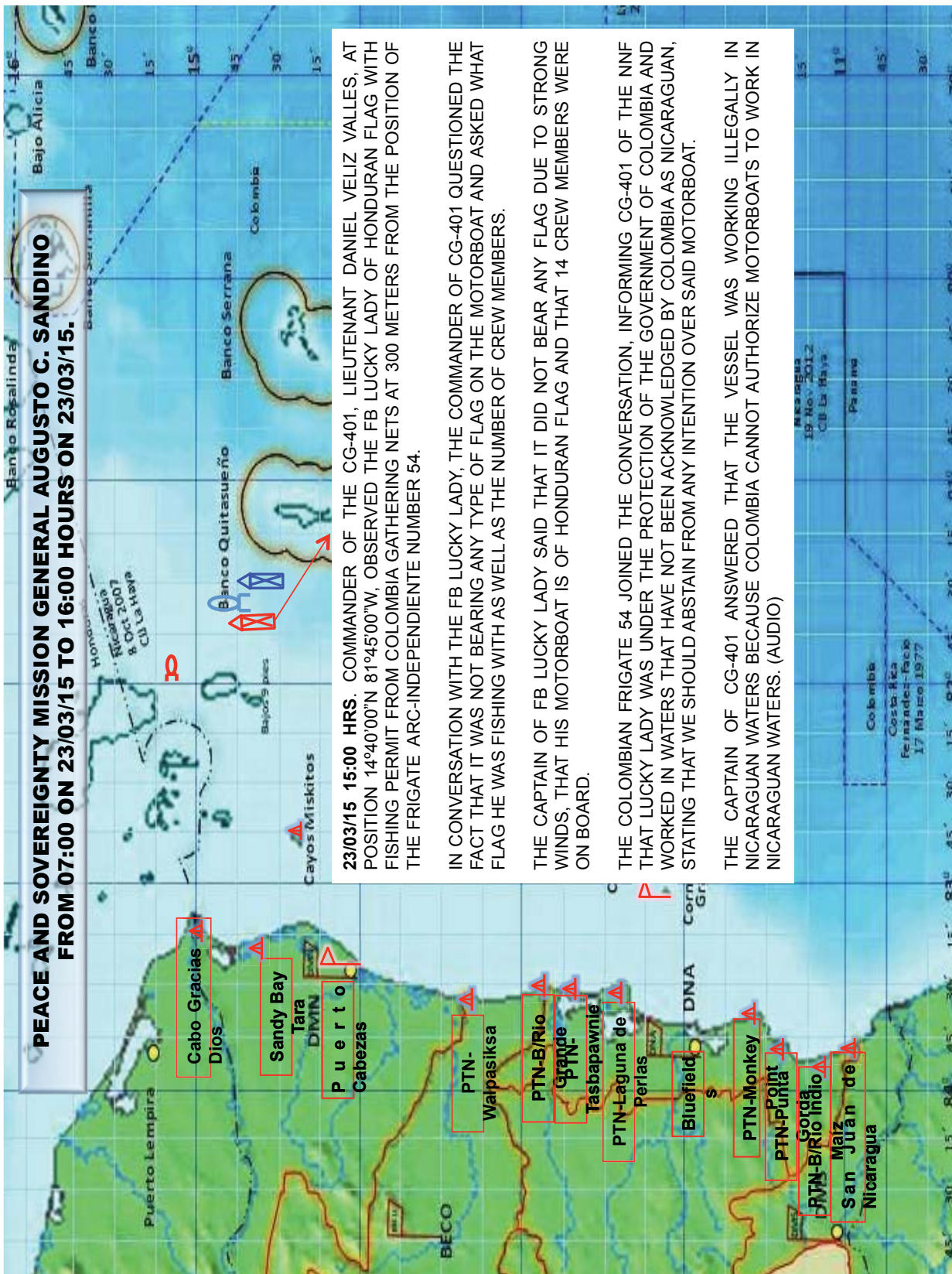
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	<i>Deg.</i>	<i>Min. Sec.</i>	<i>Deg.</i>	<i>Min. Sec.</i>	
1	15	00 05.9	083	07 43.0	Cabo Gracias a Dios
2	14	49 15.8	082	41 00.0	Edinburgh Cay
3	14	22 31.2	082	44 06.1	Miskito Cays
4	14	08 40.6	082	48 29.0	Ned Thomas Cay
5	13	03 11.6	083	20 38.6	Man of War Cays
6	12	56 10.8	083	17 31.9	East of Great Tyra Cay
7	12	16 55.5	082	57 54.0	Isla del Maiz Pequeña (Little Corn Island)
8	12	10 39.3	083	01 49.9	Isla del Maiz Grande (Great Corn Island)
9	10	55 52.0	083	39 58.1	Harbour Head

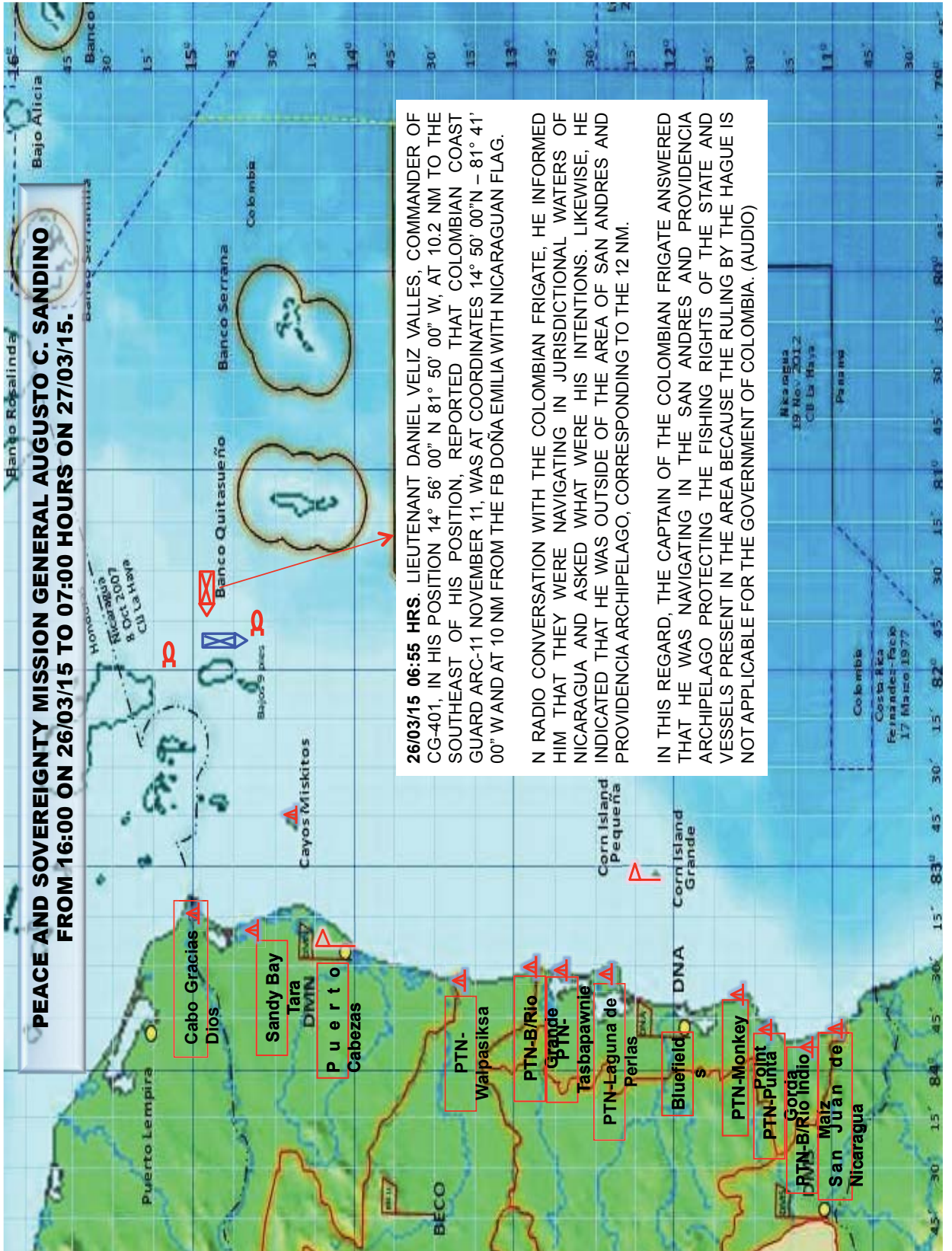
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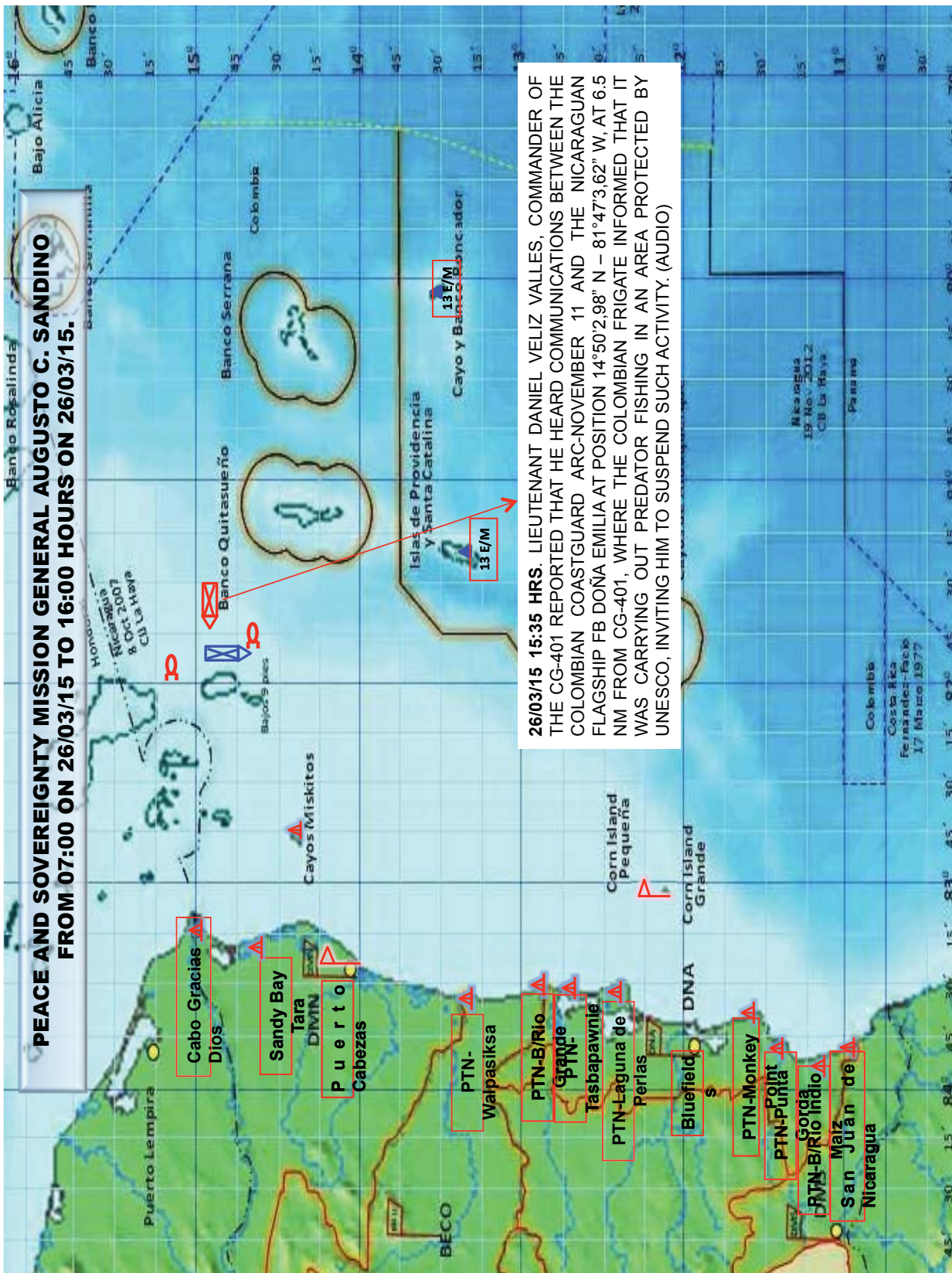
Daily Navy Reports 2015-2017

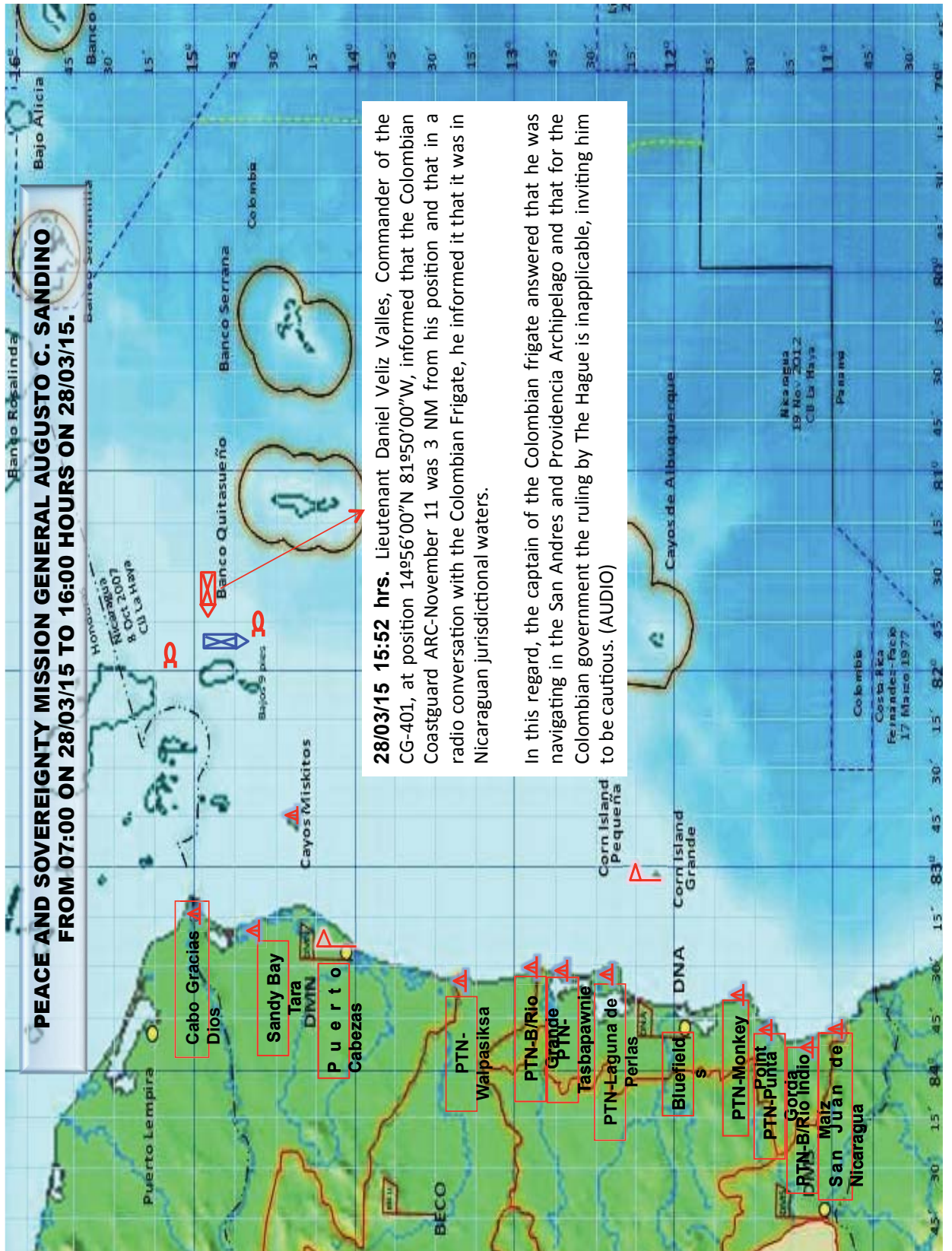
2015

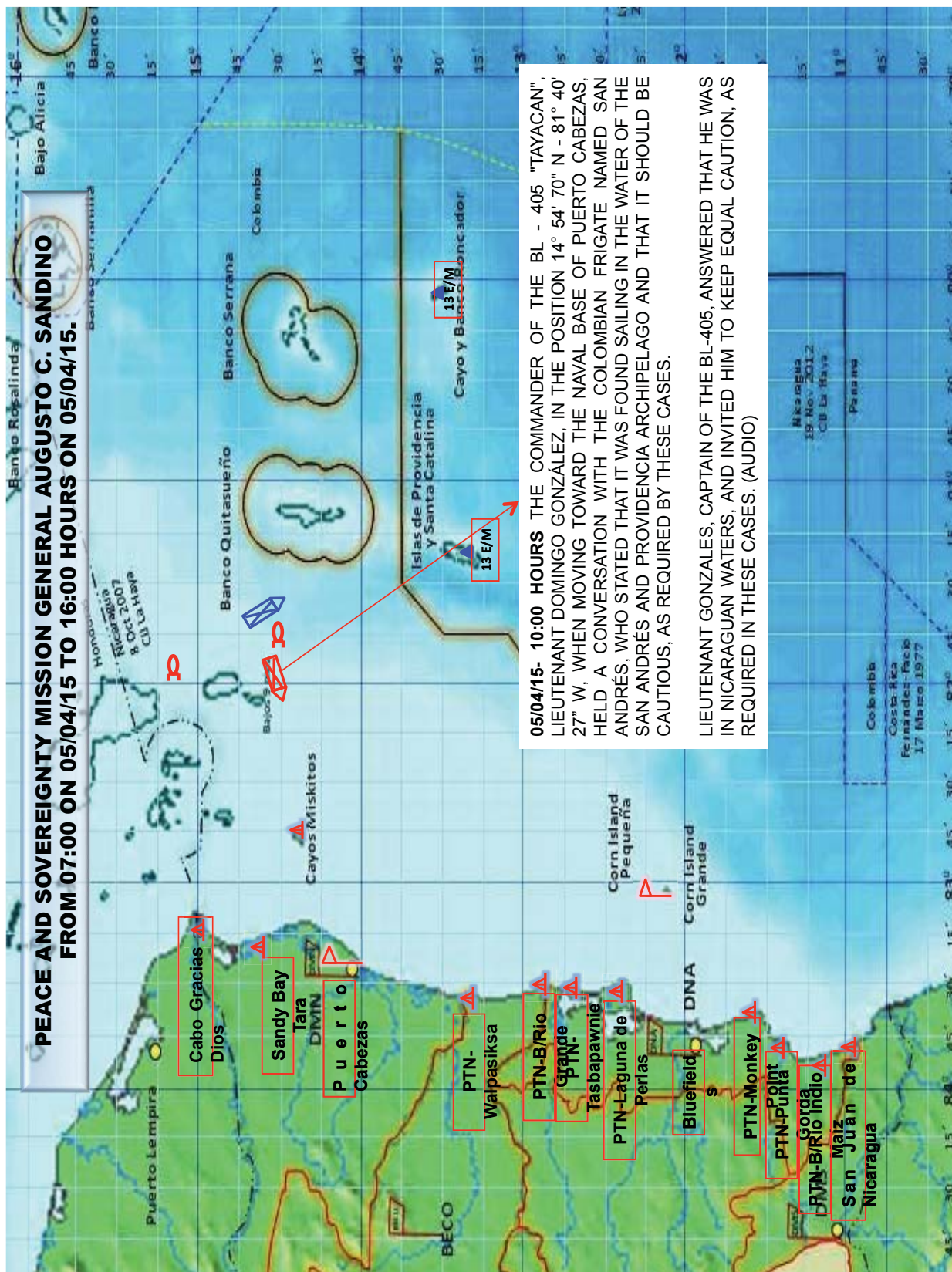


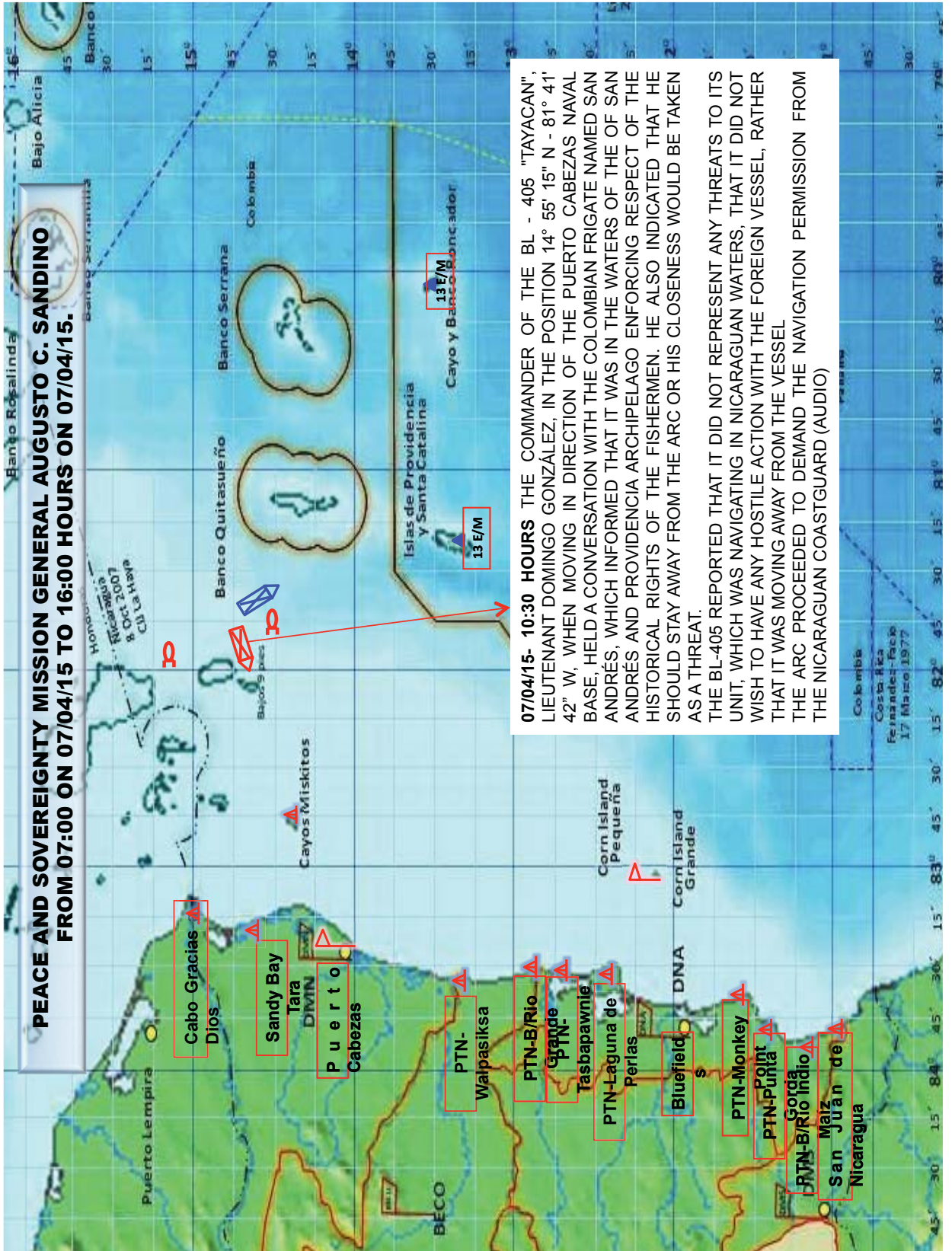


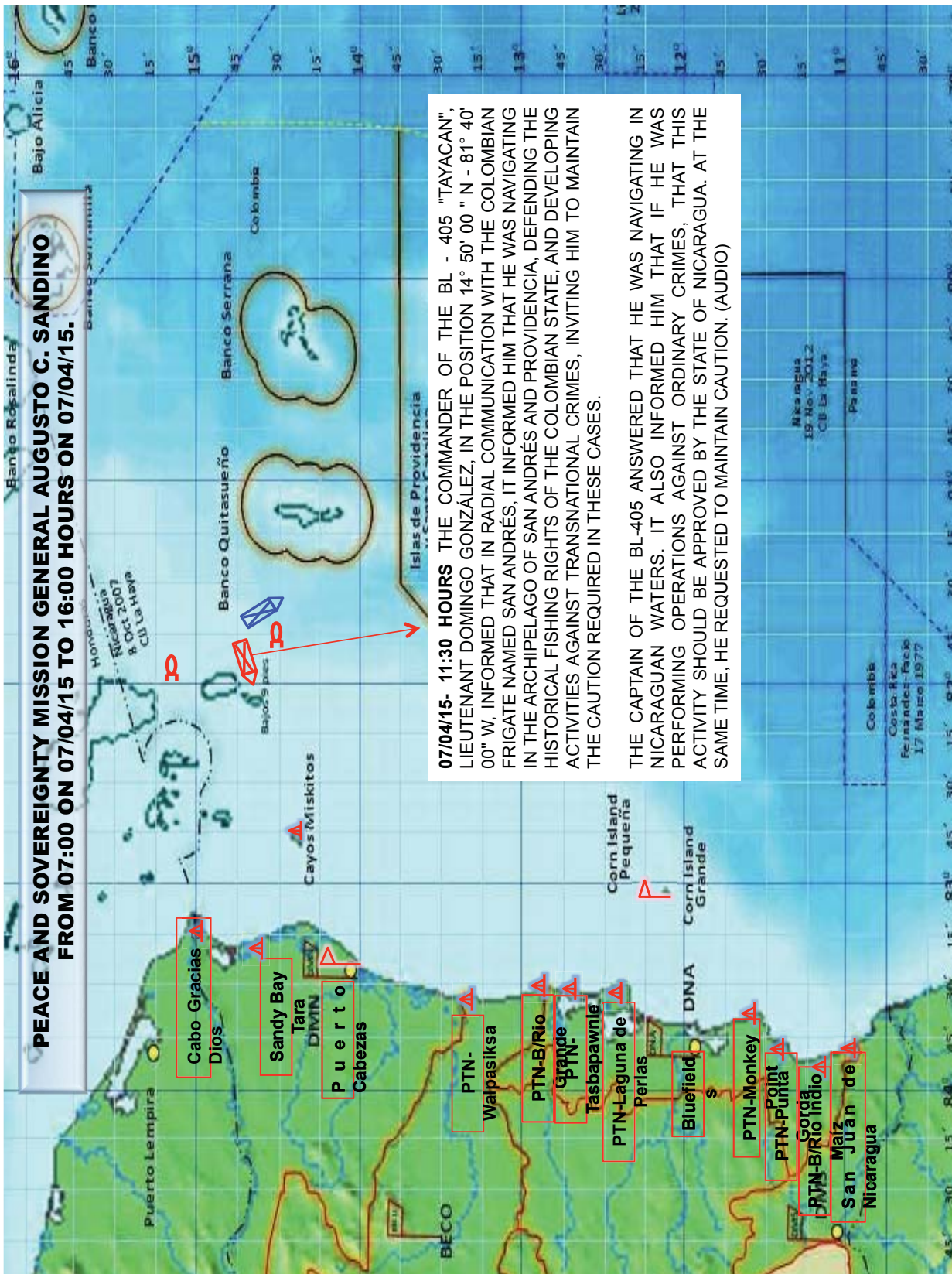


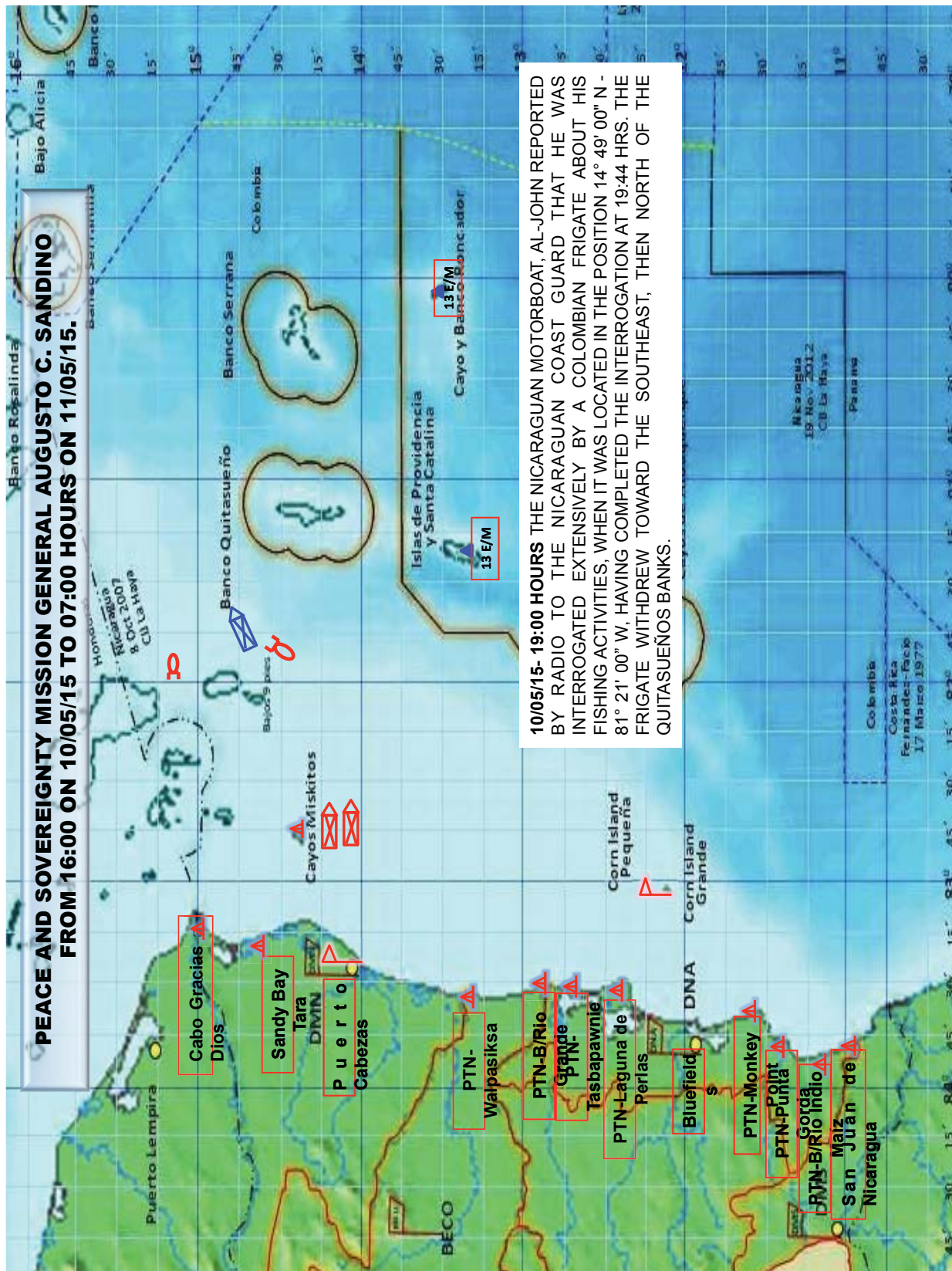


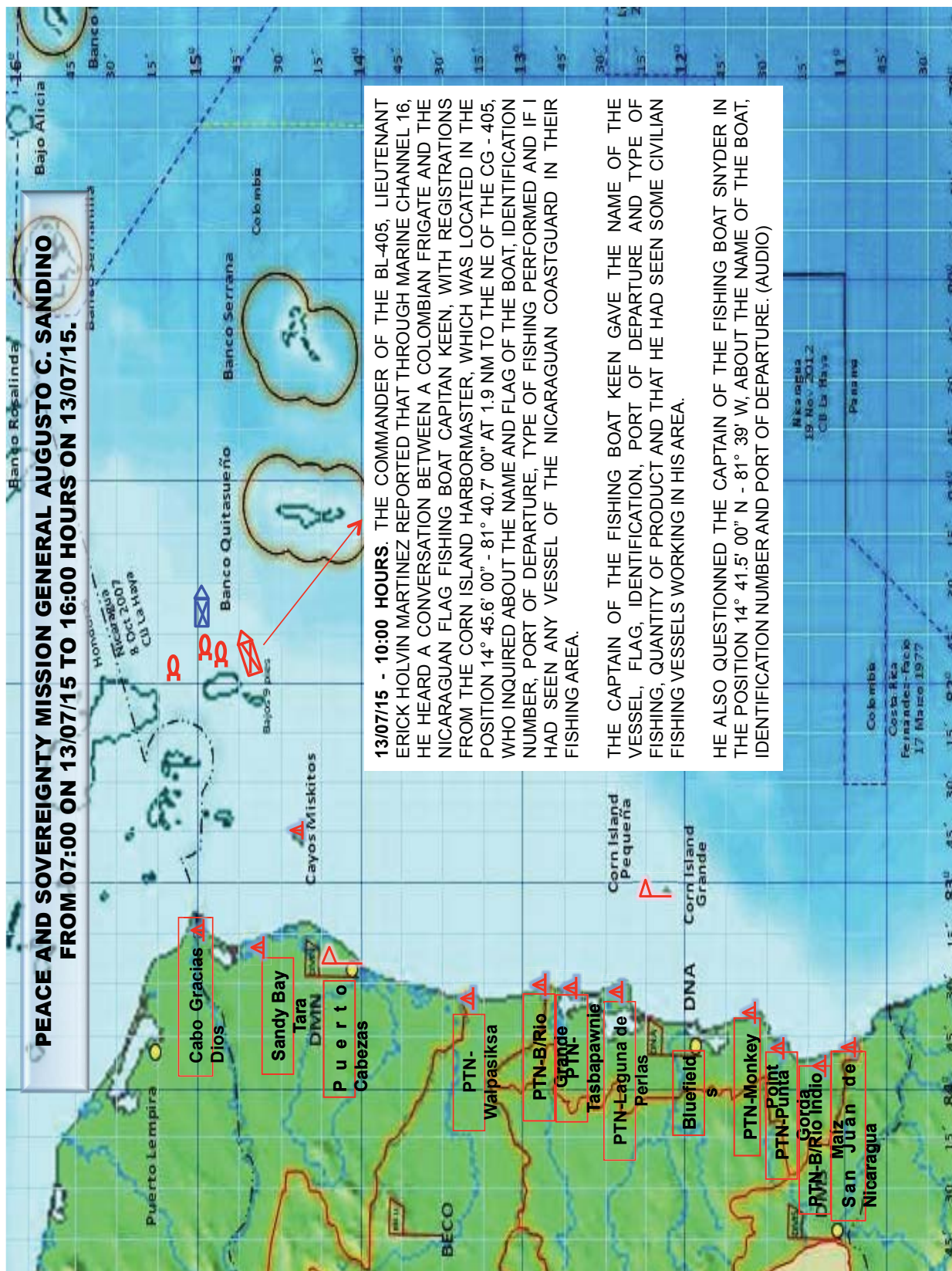




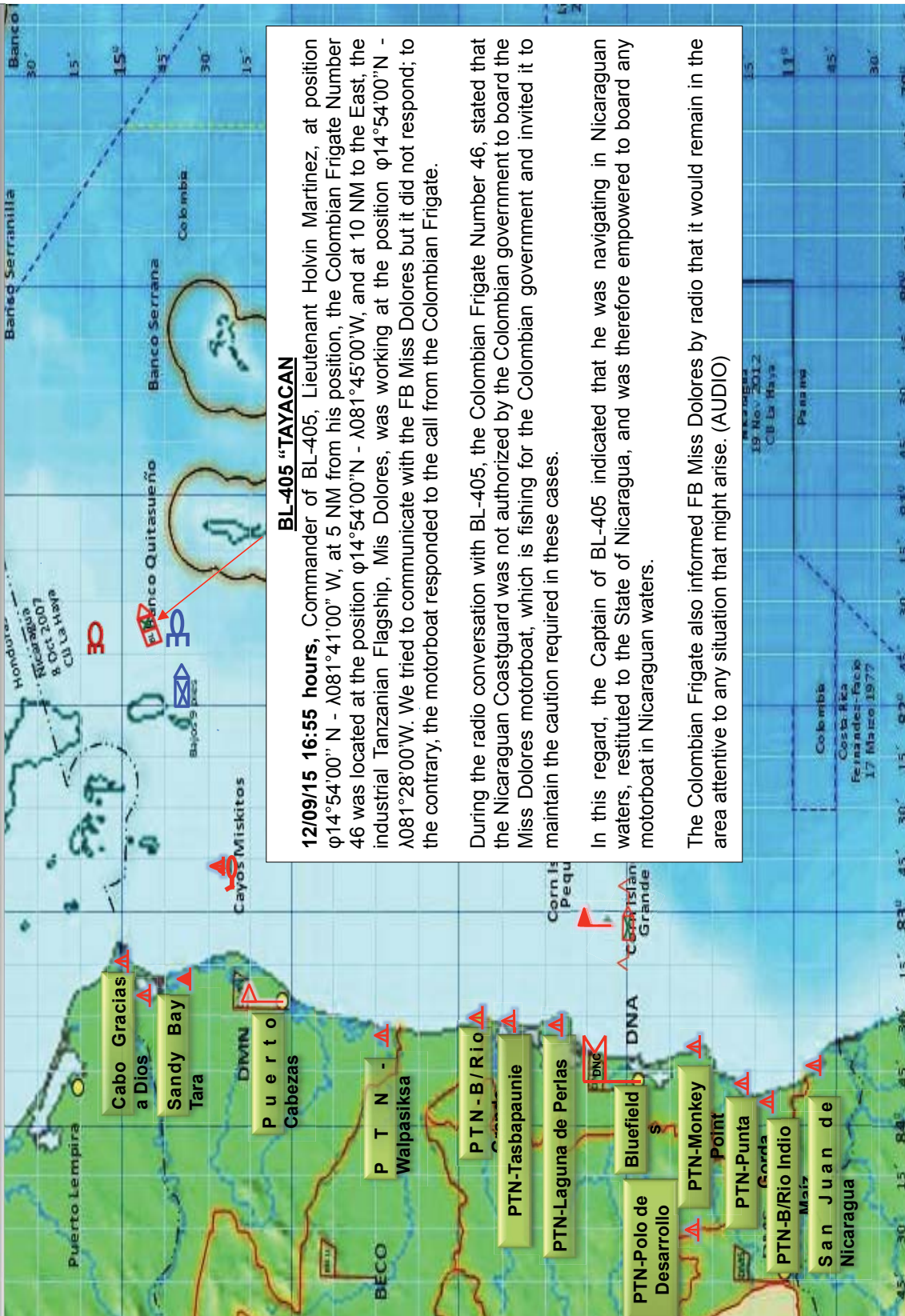




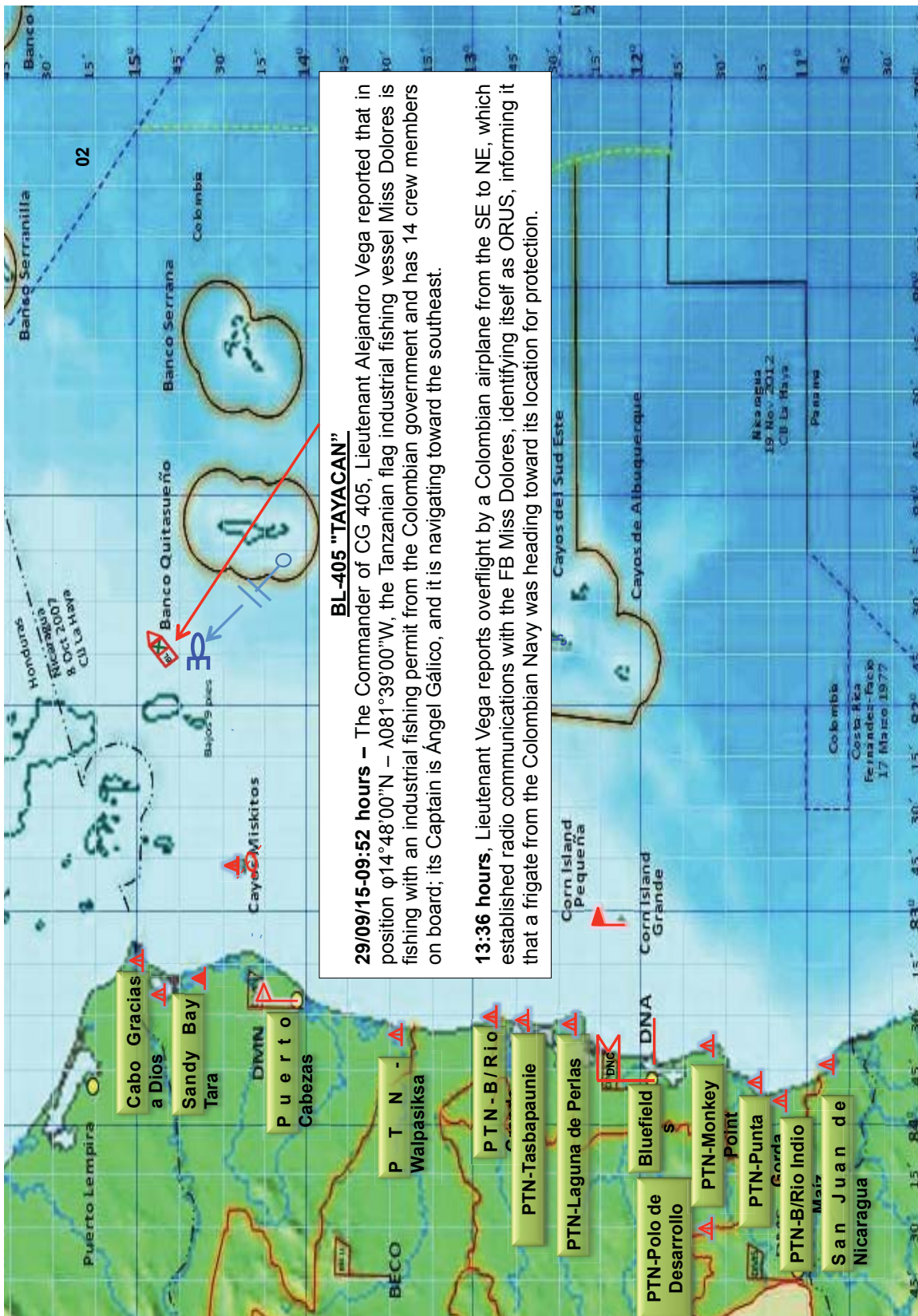




**PEACE AND SOVEREIGNTY MISSION “GENERAL AUGUSTO C. SANDINO”
AT 16:00 HOURS ON 12/09/15 TO 07:00 HOURS ON 13/09/15**



**PEACE AND SOVEREIGNTY MISSION "GENERAL AUGUSTO C. SANDINO"
FROM 07:00 HOURS OF 29/09/15 TILL 16:00 HOURS OF 29/09/15**

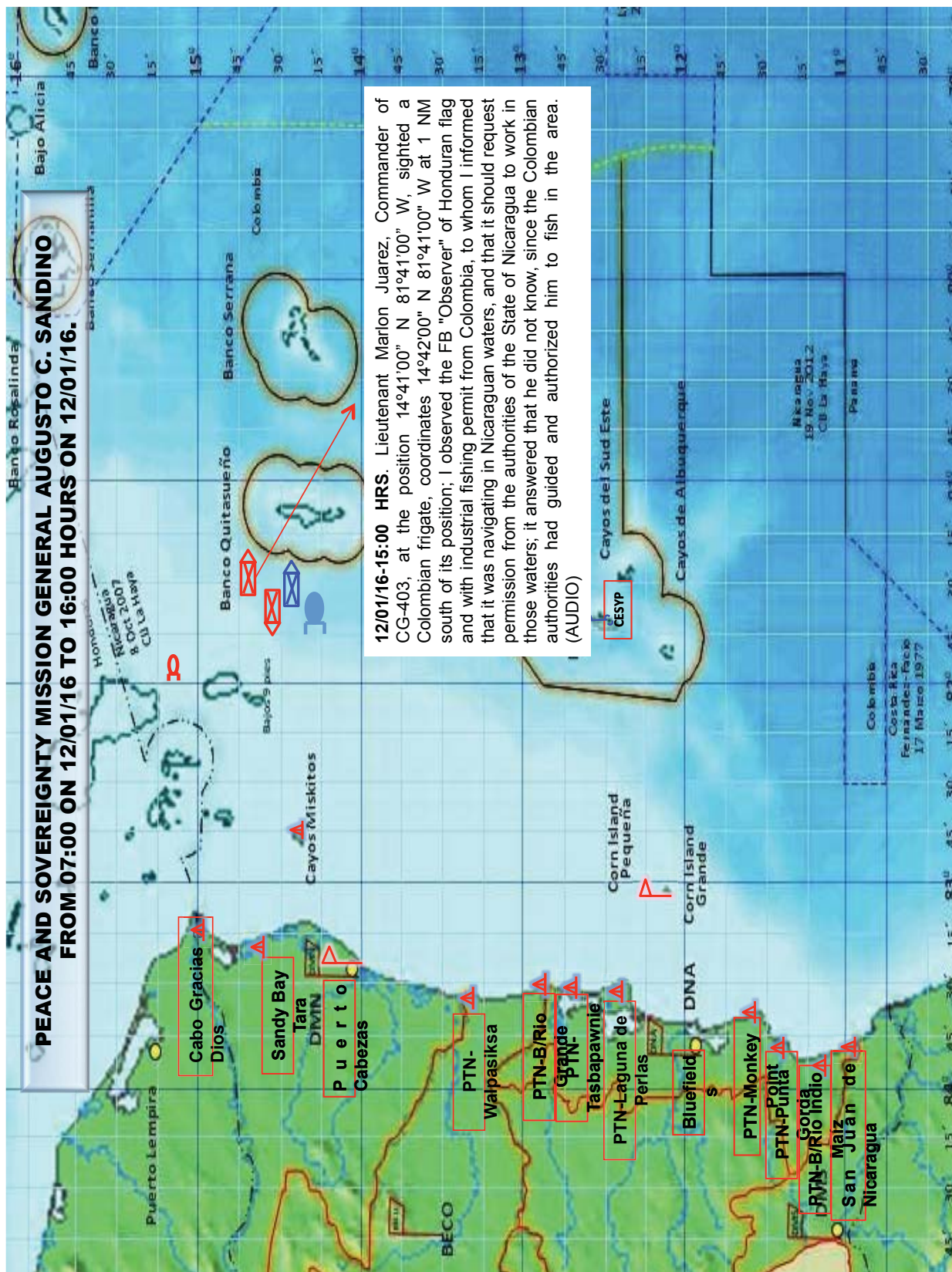


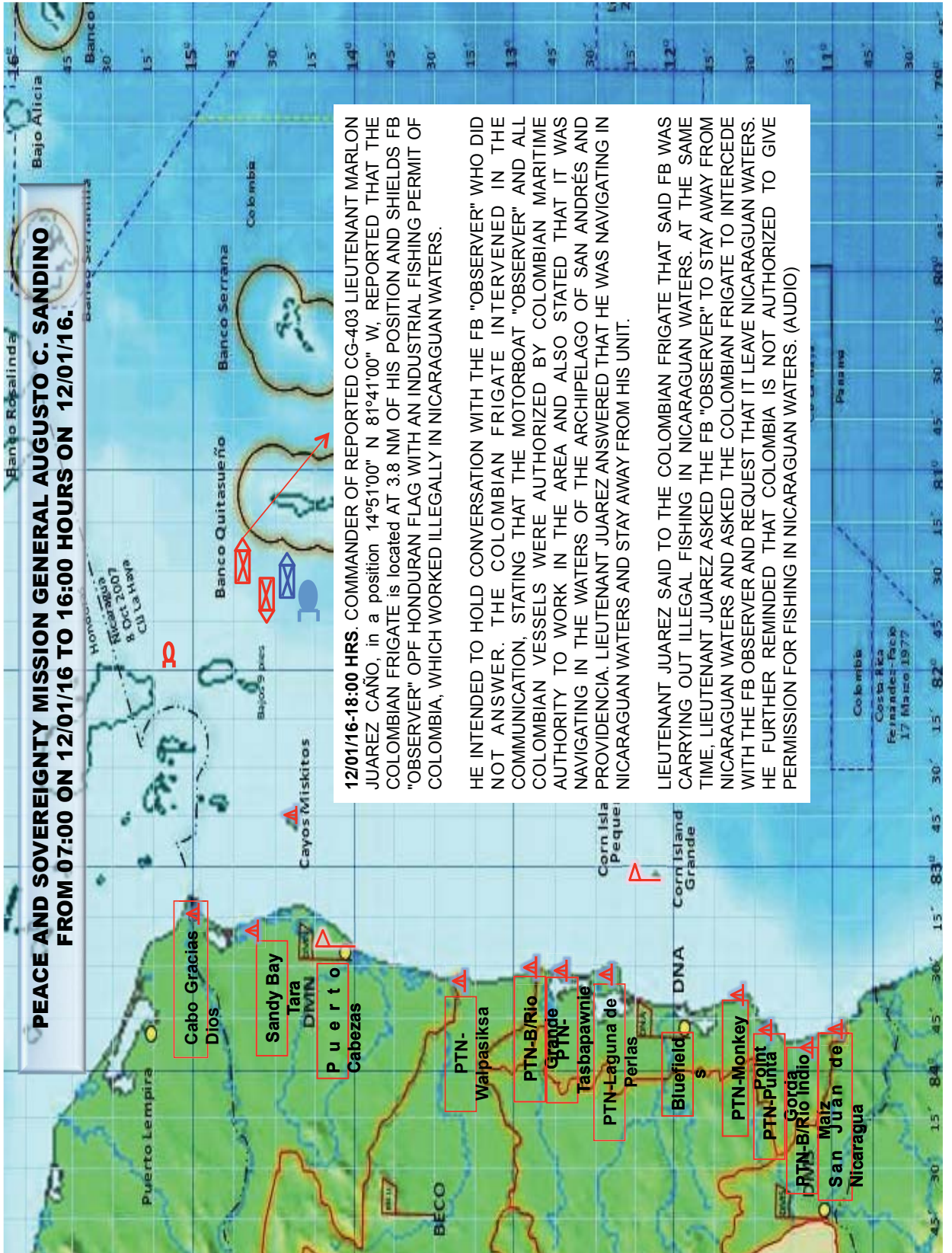
BL-405 "TAYACAN"

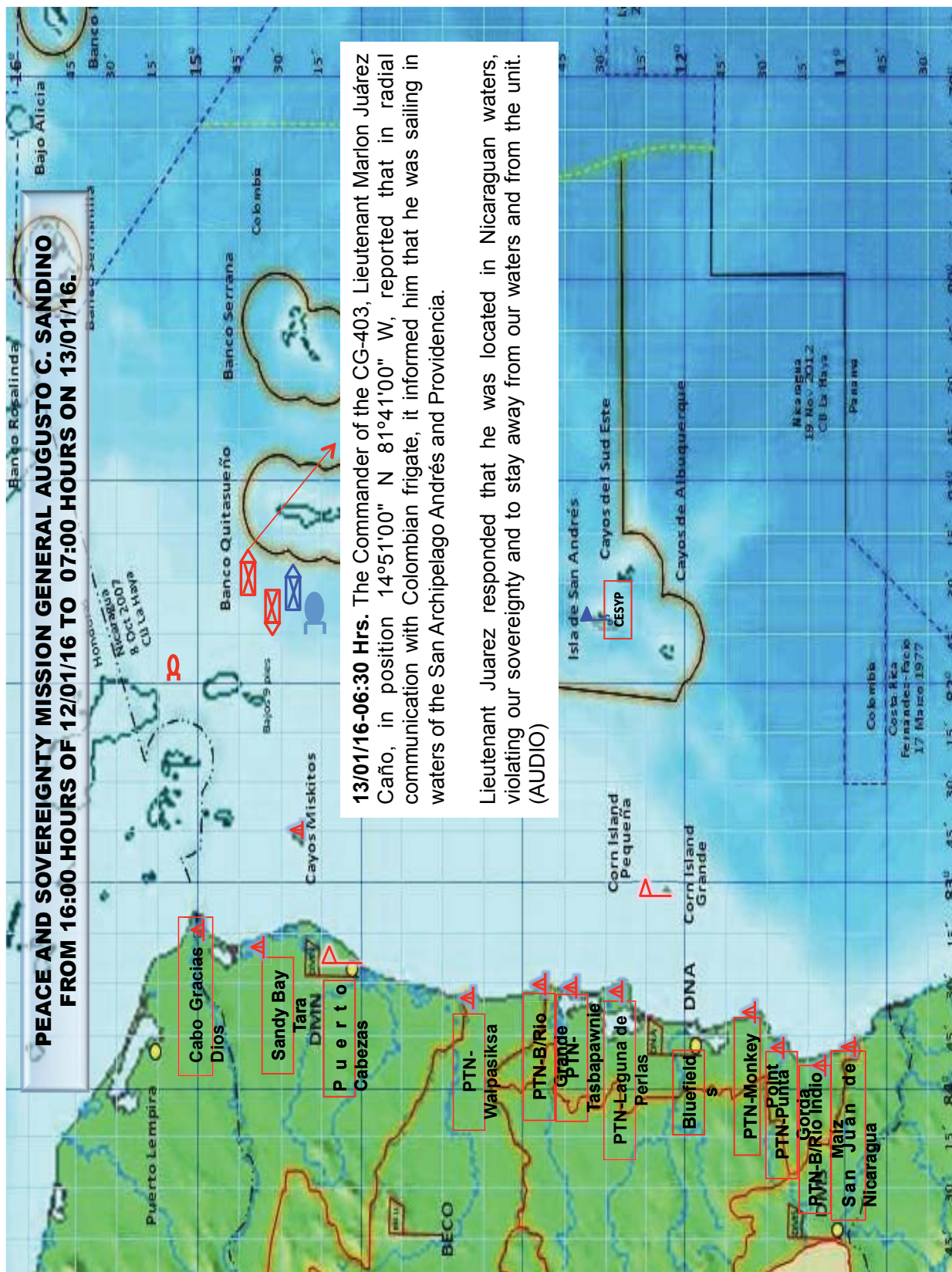
29/09/15-09:52 hours – The Commander of CG 405, Lieutenant Alejandro Vega reported that in position $\phi 14^{\circ}48'00''N - \lambda 081^{\circ}39'00''W$, the Tanzanian flag industrial fishing vessel Miss Dolores is fishing with an industrial fishing permit from the Colombian government and has 14 crew members on board; its Captain is Ángel Gállico, and it is navigating toward the southeast.

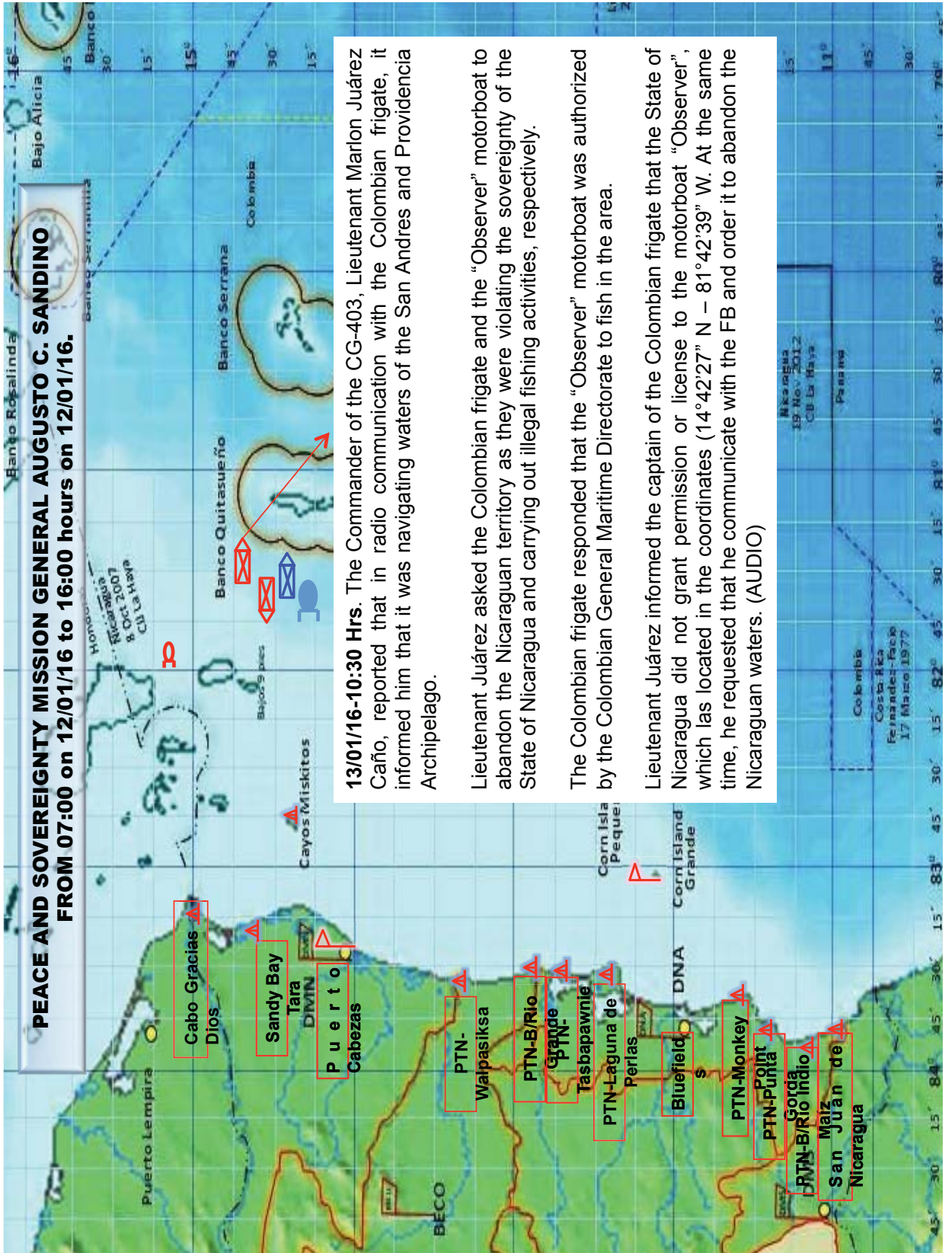
13:36 hours, Lieutenant Vega reports overflight by a Colombian airplane from the SE to NE, which established radio communications with the FB Miss Dolores, identifying itself as ORUS, informing it that a frigate from the Colombian Navy was heading toward its location for protection.

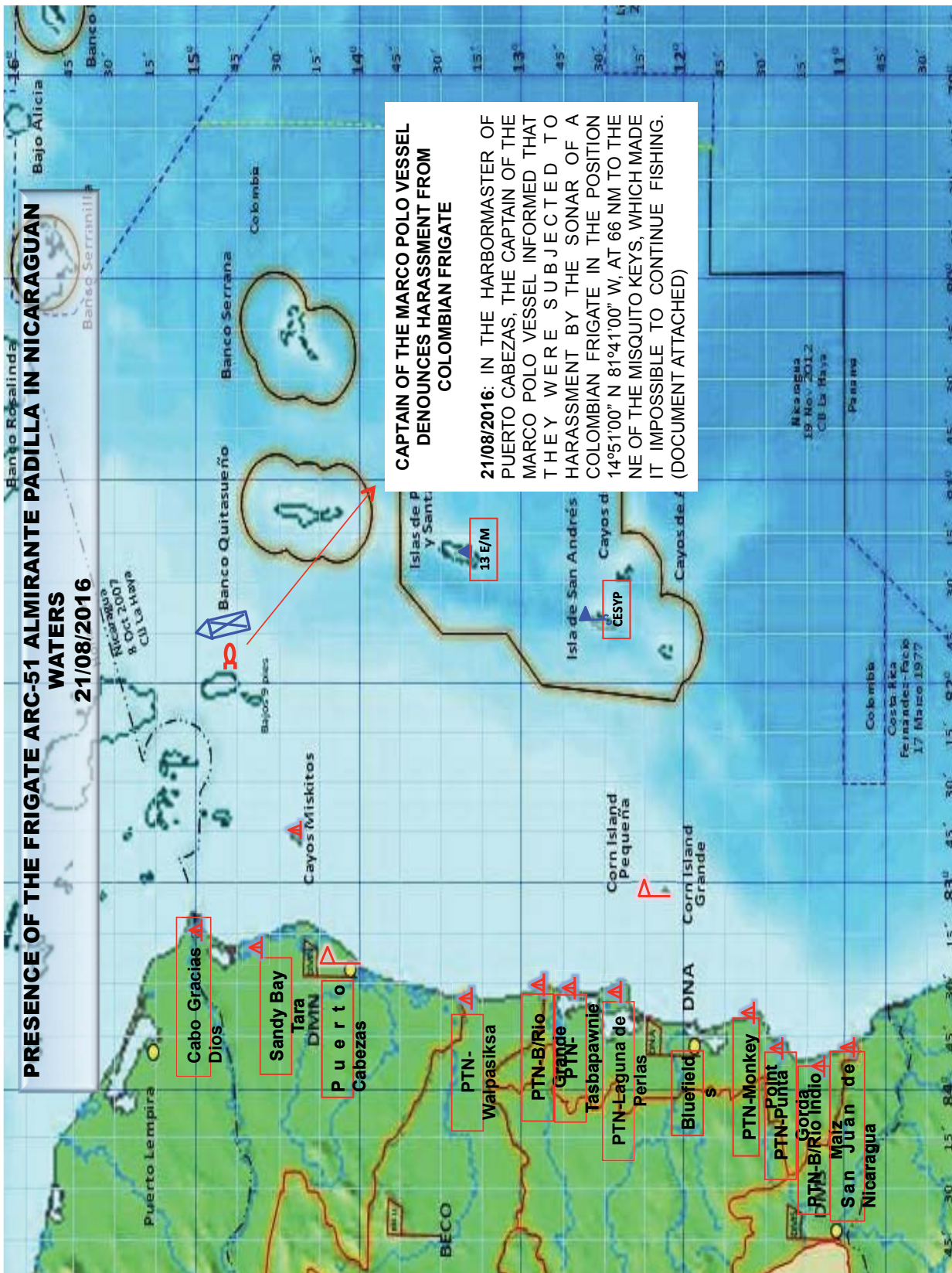
2016







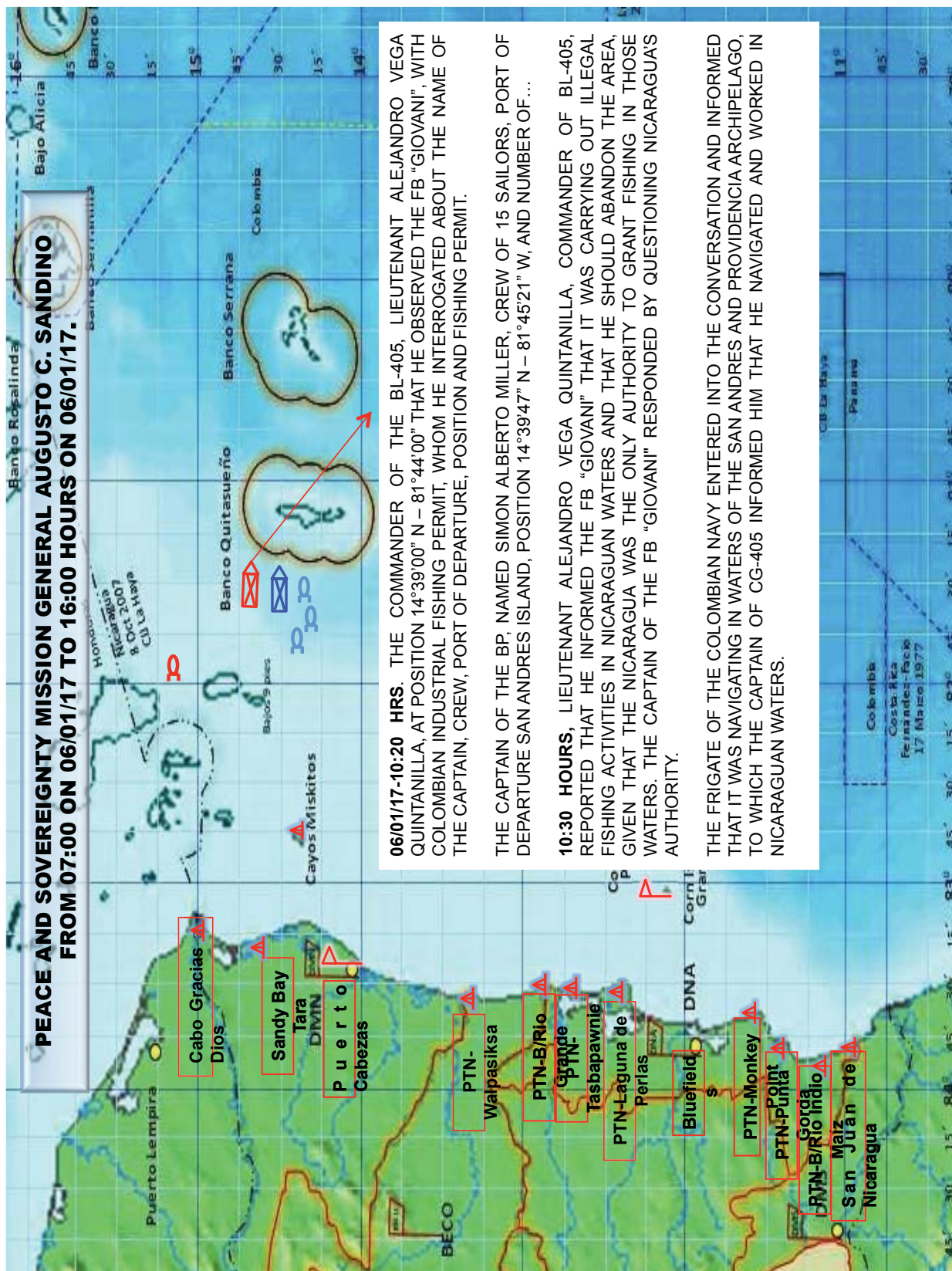


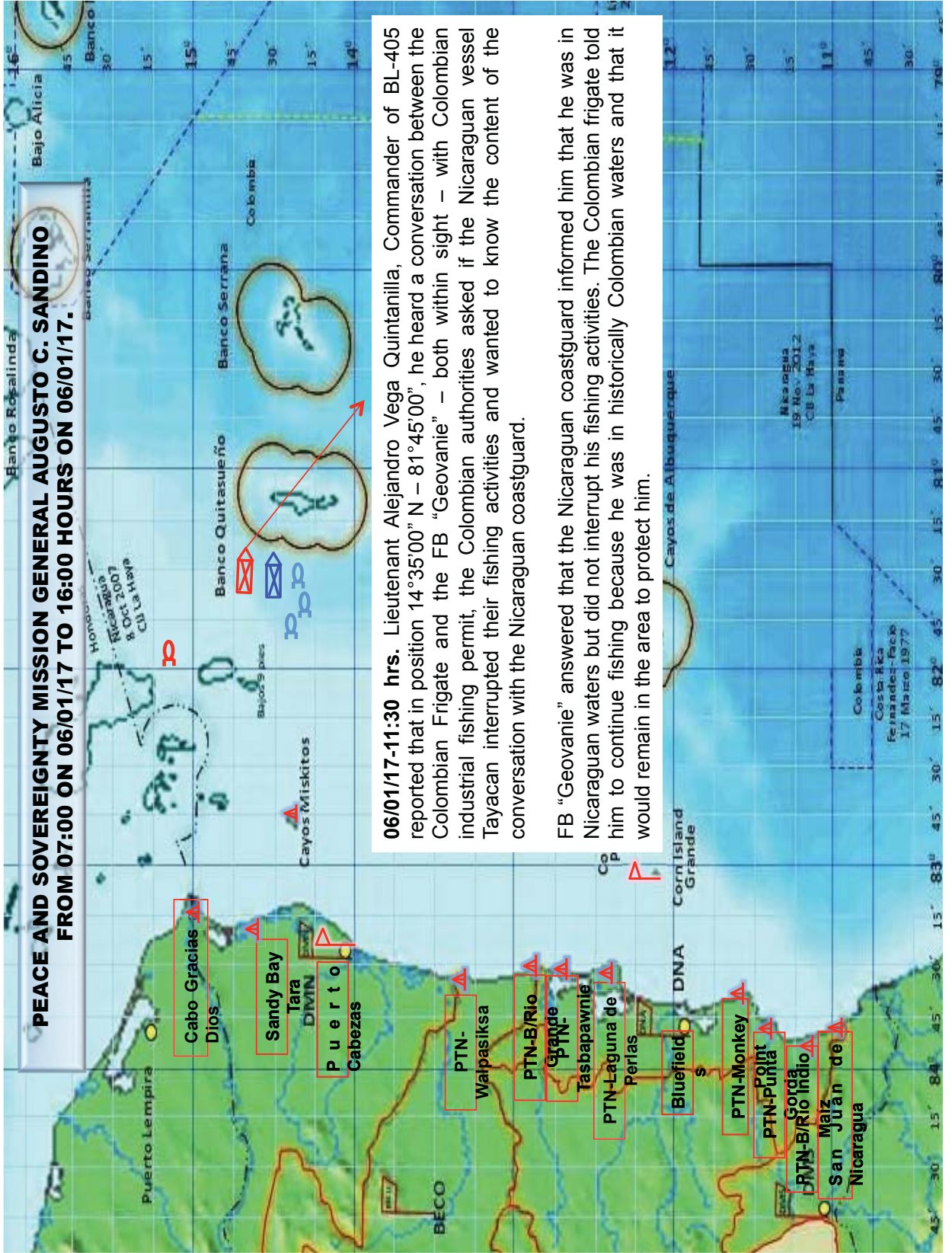


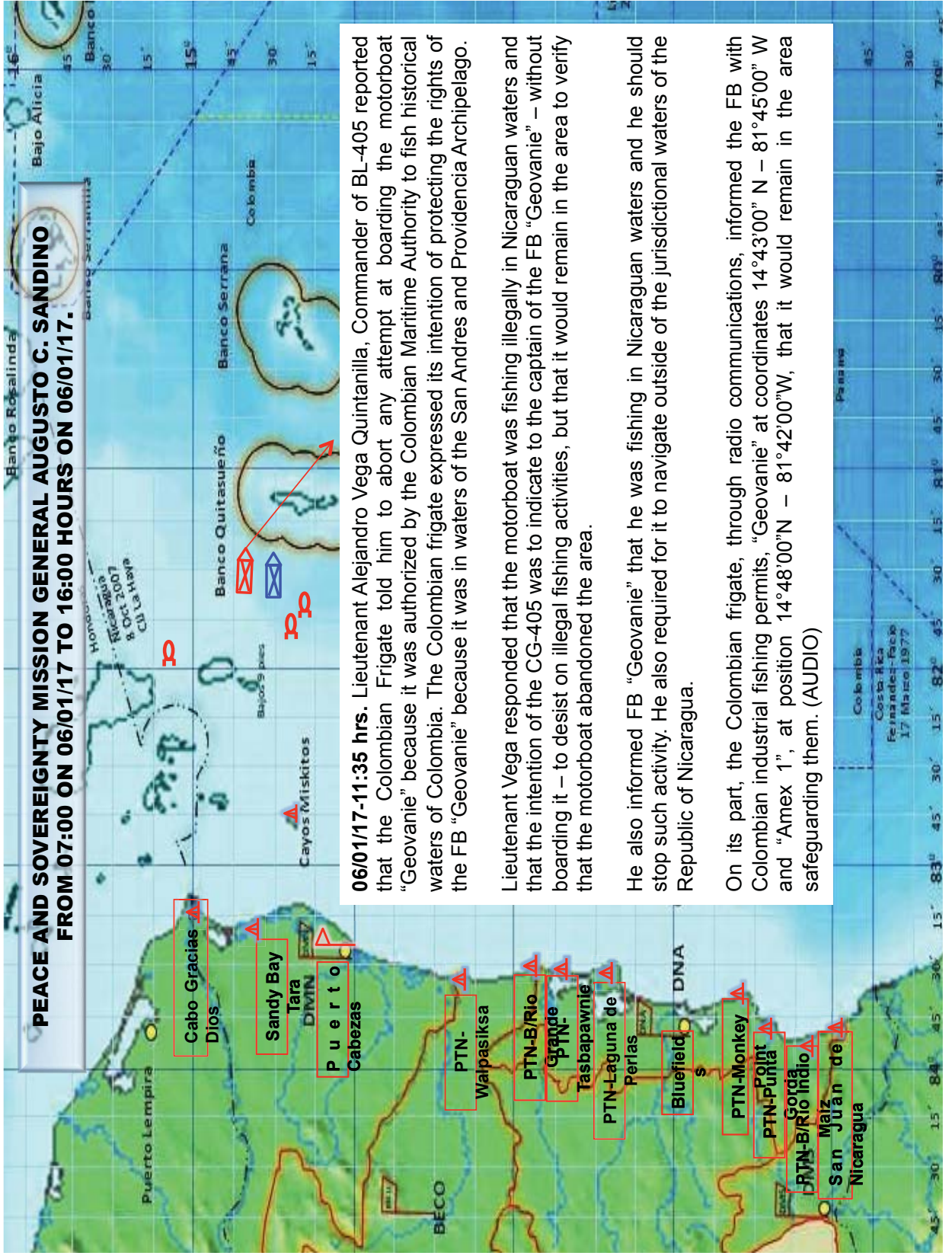
CAPTAIN OF THE MARCO POLO VESSEL DENOUNCES HARASSMENT FROM COLOMBIAN FRIGATE

21/08/2016: IN THE HARBORMASTER OF PUERTO CABEZAS, THE CAPTAIN OF THE MARCO POLO VESSEL INFORMED THAT THEY WERE SUBJECTED TO HARASSMENT BY THE SONAR OF A COLOMBIAN FRIGATE IN THE POSITION 14°51'00" N 81°41'00" W, AT 66 NM TO THE NE OF THE MISQUITO KEYS, WHICH MADE IT IMPOSSIBLE TO CONTINUE FISHING. (DOCUMENT ATTACHED)

2017





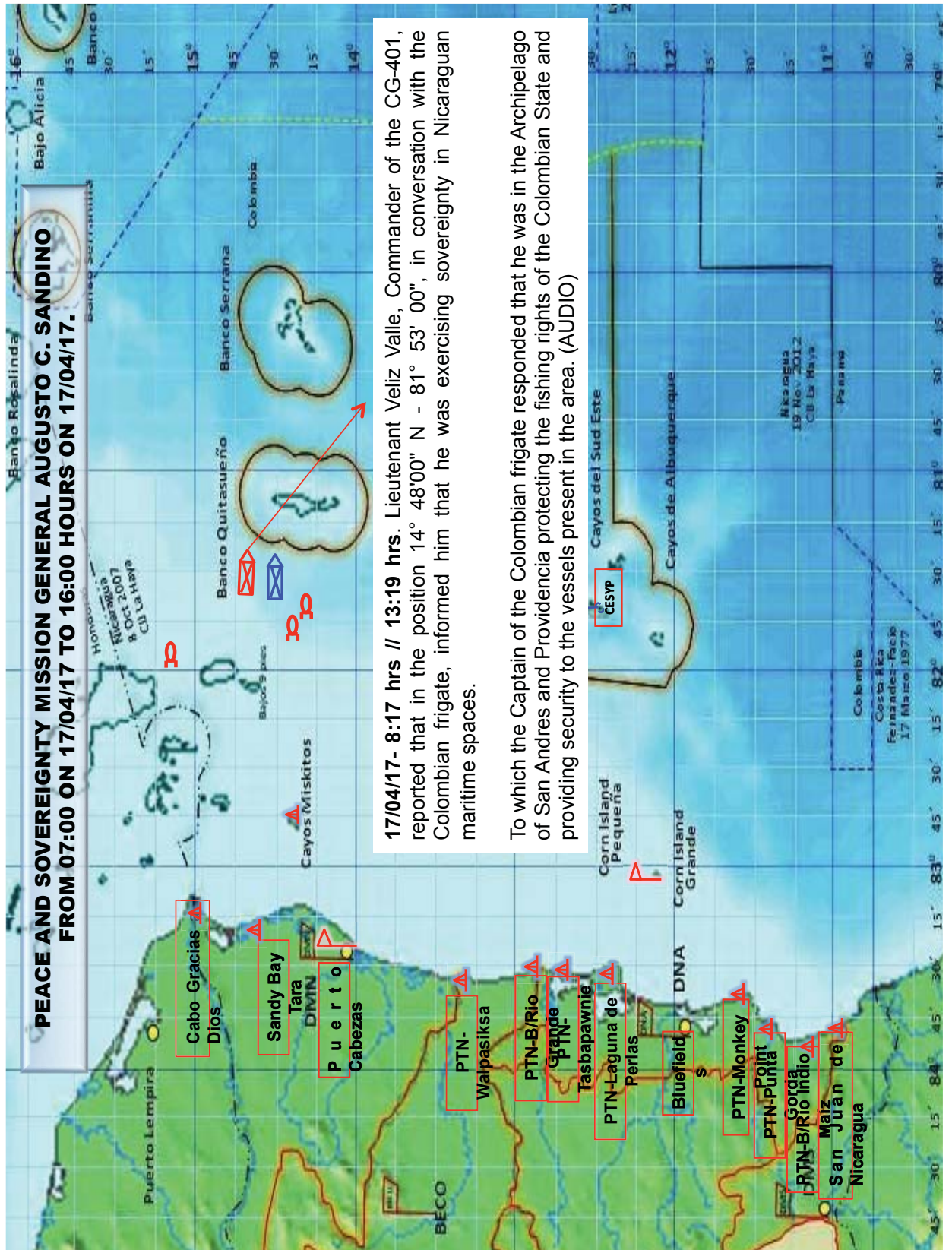


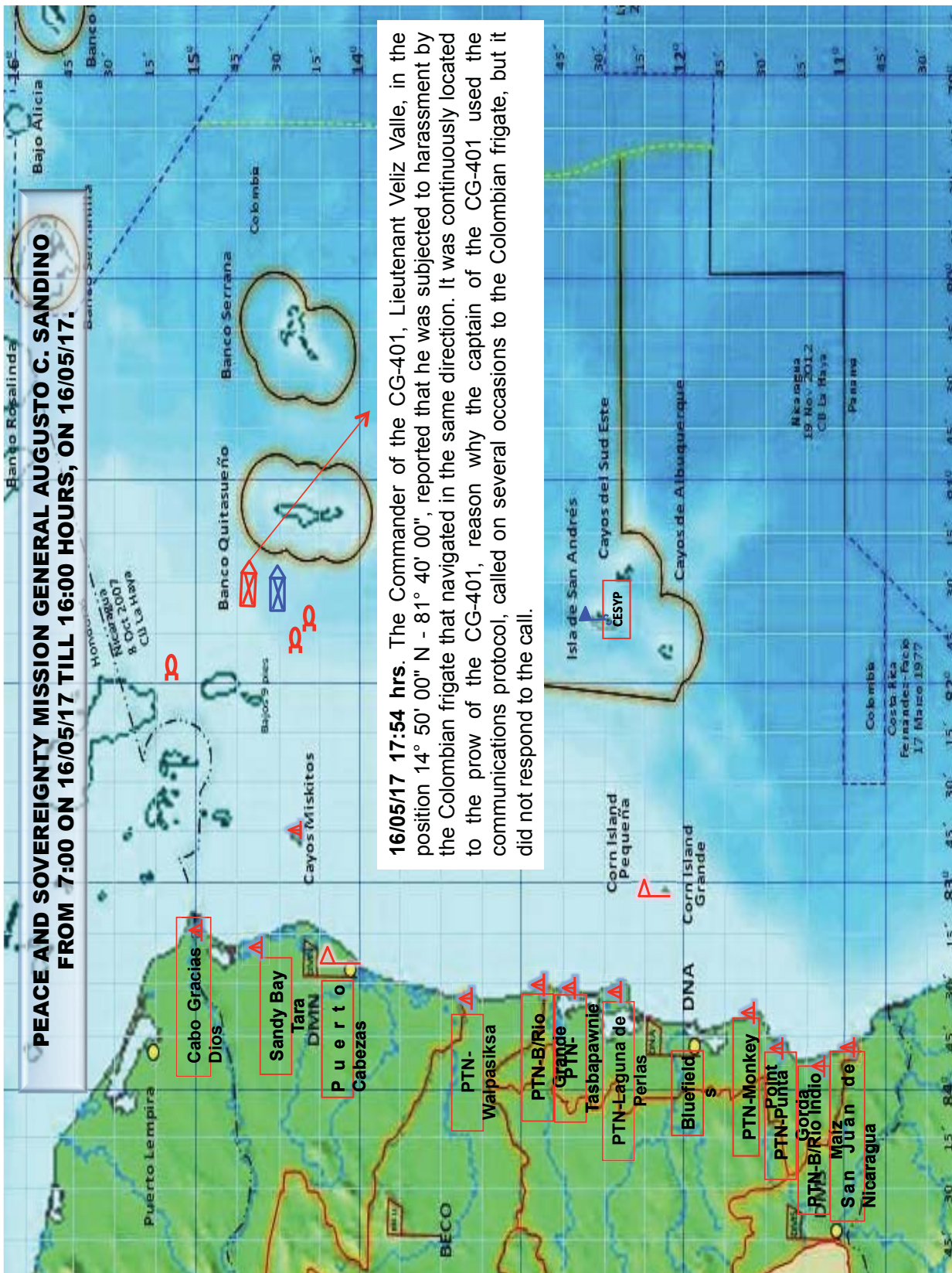
06/01/17-11:35 hrs. Lieutenant Alejandro Vega Quintanilla, Commander of BL-405 reported that the Colombian Frigate told him to abort any attempt at boarding the motorboat “Geovanie” because it was authorized by the Colombian Maritime Authority to fish historical waters of Colombia. The Colombian frigate expressed its intention of protecting the rights of the FB “Geovanie” because it was in waters of the San Andres and Providencia Archipelago.

Lieutenant Vega responded that the motorboat was fishing illegally in Nicaraguan waters and that the intention of the CG-405 was to indicate to the captain of the FB “Geovanie” – without boarding it – to desist on illegal fishing activities, but that it would remain in the area to verify that the motorboat abandoned the area.

He also informed FB “Geovanie” that he was fishing in Nicaraguan waters and he should stop such activity. He also required for it to navigate outside of the jurisdictional waters of the Republic of Nicaragua.

On its part, the Colombian frigate, through radio communications, informed the FB with Colombian industrial fishing permits, “Geovanie” at coordinates 14°43’00” N – 81°45’00” W and “Amex 1”, at position 14°42’00”N – 81°42’00”W, that it would remain in the area safeguarding them. (AUDIO)





ANNEX 3

Letter from the Navy to the Commander in Chief of
the Army JFN-523-2016, 29 August 2016

Seal of the Republic of Nicaragua
Central America
ARMY OF NICARAGUA
NAVAL FORCE

Managua, Nicaragua
August 20, 2016
J'FN-523-2016

Commander in Chief
Army of Nicaragua
Army General
Julio Cesar Aviles Castillo
His Office

Dear Commander in Chief:

I inform you that on 28082016/15:30 hours, we received the diver lobster vessel MARCO POLO, which was returning from the fishing bank; its Captain, **Albert Nash Garbath** (ID 607-160172-0004L) filed a complaint before the Harbormaster of Puerto Cabezas relating to a situation that arose at 15:30 hours, in the position $\Phi: 14^{\circ} 51' 00'' \text{ N } \lambda: 081^{\circ} 41' 00'' \text{ W}$, at 66 NM to the northeast of the Miskitos Keys, due to the presence and violation of our maritime space by the Colombian Frigate **ARC – 51 ALMIRANTE PADILLA**.

The Captain of the MARCO POLO states that the diver Rody Nuñez Rodriguez, 31 years of age, reported that he was diving but perceived an acute and penetrating sound underneath the water, which forced him to emerge immediately to the surface, just like the other divers. The sound came from the frigate's sonar. The Captain pointed out that the frigate transmitted through the marine channel that **"HE WAS IN A PROTECTED AREA WHERE IT IS FORBIDDEN TO DIVE AND TO SEEK ANOTHER FISHING METHOD"**.

I propose to raise this report to the Presidency of the Republic so that through the Ministry of Foreign Affairs so that they give due course to the case. I attach the statement by the Captain of the Marco Polo vessel and the photographs he took.

Awaiting your instructions, I greet you,

Cordially,

Chief of the Naval Force
Army of Nicaragua
Rear Admiral
Illegible signature
Marvin Elias Corrales Rodriguez
Stamped illegible seal

Denouncement

At 10:00 hours on August 29, 2016, I presented myself to the Harbormaster at Puerto Cabezas with the purpose of filing a complaint against Vessel Number 51 of Colombian nationality.

I, Albert Nash Garbath, citizen identification card number 607-160172-0004L, of age, married, with domicile in Puerto Cabezas, Barrio Aeropuerto, contiguo al restaurant FAMAI, with fishing competition license skipper Number 14055, to expose the events on 21-08-16, with the intervention of the Colombian Frigate Number 51.

On 16-08-16 I prepared to go out to a fishing bank on board the vessel MARCO POLO with 10 crew members plus 30 divers and 30 kayak men for a total of 70 members on board, heading toward the fishing bank where on 21-08-16, at 15:30 hours, in the position 14° 51' 00 N and 081° 41' 00 W, the Colombian Frigate was also there at a distance of approximately 25 cables to the east of my position, which was identified as vessel Number 51.

We established radio communications on marine channel 16, where I reported, "YOU ARE IN A PROTECTED AREA WHERE IT IS FORBIDDEN TO FISH WITH DIVERS, FIND ANOTHER FISHING METHOD".

After the communication, the Diver named Rody Nuñez Rodriguez, 31 years of age, reported that the Colombian vessel was emitting an acute sound in the water, and it was an average depth of 60 feet. He had to get out of the water immediately, without being able to catch lobster.

With no further matter,

Captain of the MN Marco Polo
Citizen,
Illegible Signature
ALBERT NASH GARBATH

ANNEX 4

Decree No. 1436 of 13 June 1984 partially regulating
article 9 of Act No. 10 of 1978

**Decree No. 1436 of 13 June 1984 (1) partially regulating article 9
of Act No. 10 of 1978**

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA

In exercise of his Constitutional authority and, in particular, the authority conferred on him by article 120, paragraph 3, of the Constitution of Colombia, and

WHEREAS

It is necessary to establish baselines from which to measure the breadth of the territorial sea and the exclusive economic zone of the nation;

The Colombian coast, both on the Pacific Ocean and the Caribbean Sea, has deep inlets or indentations and fringes of islands, making it possible to use the method of straight baselines as provided for in article 4 of Act No. 10 of 1978;

The Government has decided to establish some straight baselines, in accordance with international law and as provided for in article 9 of Act No. 10 of 1978;

DECREES

Article One:

The breadth of the territorial sea shall be measured from the normal baselines, as established by article 4 of Act No. 10 of 1978, and from the straight baselines indicated below. The geographic end points have been taken from United States Defense Mapping Agency Hydrographic and Topographic Center nautical charts No. 21033, scale 1:1,000,000, and No. 24036, scale 1:956,170, respectively for the Pacific and Caribbean coasts of Colombia.

PACIFIC COAST

<u>From</u>			<u>To</u>		
<u>Point</u>	<u>Lat. North</u>	<u>Long. West</u>	<u>Point</u>	<u>Lat. North</u>	<u>Long. West</u>
1	07° 12' 39.3"	77° 53' 20.9"	2	06° 47' 07"	77° 41' 30"
	(Colombia-Panama Boundary)			(Rocas Octavia)	
2	06° 47' 07"	77° 41' 30"	3	06° 11' 35"	77° 29' 37"
	(Rocas Octavia)				
3	06° 11' 35"	77° 29' 37"	4	05° 29' 15"	77° 32' 53"
				(Cabo Corrientes)	

Page 2

4	05° 29' 15"	77° 32' 53"	5	04° 12' 30"	77° 31' 45"
	(Cabo Corrientes)			(Isla Cacahual-SW)	
5	04° 12' 30"	77° 31' 45"	6	03° 00' 23"	78° 10' 00"
	(Isla Cacahual-SW)			(Punta Coll-Gorgona)	
7	02° 56' 23"	78° 13' 17"	8	02° 35' 33"	78° 26' 04"
	(Isla Gorgonilla)				
9	02° 11' 00"	78° 41' 07"	10	01° 37' 18"	79° 02' 36"
	(Bahía San Ignacio-Delta R. Patía)			(Cabo Manglares)	

ATLANTIC COAST

<u>From</u>			<u>To</u>		
<u>Point</u>	<u>Lat. North</u>	<u>Long. West</u>	<u>Point</u>	<u>Lat. North</u>	<u>Long. West</u>
1	11° 51' 07.41"	71° 19' 23"	2	12° 00' 25"	71° 08' 20"
	(Castilletes)				
3	12° 26' 10"	71° 43' 45"	4	12° 14' 50"	72° 08' 00"
		(Pilón de Azúcar)			
5	12° 13' 08"	72° 10' 50"	6	11° 20' 18"	74° 12' 47"
	(Isla Farallón)			(Cabo de la Aguja)	
6	11° 20' 18"	74° 12' 47"	7	11° 06' 53"	74° 50' 38"
	(Cabo de la Aguja)			(Tajamar Bocas de Ceniza)	
8	11° 06' 50"	74° 51' 05"	9	10° 48' 12"	75° 15' 42"
	(Tajamar Bocas de Ceniza)			(Punta de la Garita)	
9	10° 48' 12"	75° 15' 42"	10	10° 44' 45"	75° 21' 10"
	(Punta de la Garita)			(Isla Arena)	
10	10° 44' 45"	75° 21' 10"	11	10° 34' 35"	75° 30' 28"
	(Isla Arena)			(Punta Canoas-North)	
12	10° 33' 30"	75° 30' 52"	13	10° 10' 10"	75° 48' 10"
	(Punta Canoas-South)			(Islas del Rosario-Roca Occidental)	
13	10° 10' 10"	75° 48' 10"	14	09° 23' 42"	76° 11' 23"
	(Islas del Rosario-Roca Occidental)			(Isla Fuerte)	
14	09° 23' 42"	76° 11' 23"	15	08° 41' 07.3"	77° 21' 50"
	(Isla Fuerte)			(Cabo Tiburón)	

Article Two:

The waters enclosed by the straight baselines established in the preceding article shall be considered internal waters and thus the State shall have the right to exercise absolute sovereignty over them in accordance with accepted rules of international law.

Article Three:

This Decree shall take effect from the time it is issued.

TO BE TRANSMITTED PUBLISHED AND EXECUTED:

Issued at Bogotá on 13 June 1984.

Endnotes

1 (Popup - Popup)

ANNEX 5

General Maritime Directorate, Resolution No. 0825 of
1994 (27 December 1994)

**MINISTRY OF NATIONAL DEFENSE
NATIONAL NAVY
GENERAL MARITIME DIRECTORATE**

RESOLUTION No. 0825 of 1994

(DECEMBER 27, 1994)

By which the limits of the jurisdiction of Harbour Master's Offices are established

THE GENERAL MARITIME DIRECTOR

In the exercise of his legal powers, and especially those conferred by Section 7 of Article 11
of Decree Law 2324 of 1984

WHEREAS:

It is necessary to determine the limits of the territorial jurisdiction of the Maritime and River Harbour Master's Offices and to indicate the Second Category Harbour Master's Offices, which shall be attached to the First Category Harbour Master's Offices.

RESOLVES:

ARTICLE 1. The Harbour Master's Offices on the Atlantic Coast and in the Archipelago of San Andrés and Providencia shall exercise their jurisdiction in the territory included within the following limits, as indicated in each case:

a. "PUERTO BOLIVAR" HARBOUR MASTER'S OFFICE

From the land border between	Lat. 17° 51' 07" N
Colombia and Venezuela	Long 71° 19' 23" W
To Punta Carrizal	Lat 12° 01' 00" N
Limit line direction:	335° from Punta Carrizal

b. "RIO HACHA" HARBOUR MASTER'S OFFICE

From Punta Carrizal	Lat. 12° 01' 00" N
	Long 72° 10' 45" W
To Cabo San Agustín	Lat 11° 15' 45" N
Limit line direction:	335° from Cabo San Agustín

c. "SANTA MARTA" HARBOUR MASTER'S OFFICE

From Cabo San Agustín	Lat. 11° 15' 45" N
Colombia and Venezuela	Long 73° 45' 30" W
To Point [sic]	Lat 11° 01' 05" N
	Long 74° 36' 20" W
Limit line direction:	335° from Point "D"

d. "BARRANQUILLA" HARBOUR MASTER'S OFFICE

From Point "D"	Lat. 11° 01' 05" N
Colombia and Venezuela	Long 74 36' 20" W

To Punta Galeras	Lat 10° 48' 17" N
	Long 75 15' 38"

Limit line direction: 335° from Punta Galeras
Magdalena River: From the mouth at Bocas de Ceniza to 27 kilometers upstream.

e. "CARTAGENA" HARBOUR MASTER'S OFFICE

From Punta Galeras	Lat. 10° 48' 17" N
Colombia and Venezuela	Long 75° 15' 38" W
To Punta Rincón	Lat 09° 46' 30" N
	Long 75° 38' 30" W

Limit line direction: 320° from Punta Rincón
Canal del Dique: From its mouth in Cartagena Bay to its mouth in the southern part of Barbacoas Bay.
The jurisdiction includes the Rosario Islands, cays and sandbanks located in the area.

f. "COVEÑAS" HARBOUR MASTER'S OFFICE

From Punta Rincón	Lat. 09° 46' 30" N
	Long 75° 38' 30" W
To Punta Arboletes	Lat 08° 53' 35" N
	Long 76° 25' 47" W

Limit line direction: 318° from Punta Arboletes
Sinú River: From its mouth to point "G" located at latitude 9° 24' 30" N, longitude 75° 55' 02" W.
The jurisdiction includes the San Bernardo Islands, cays and sandbanks located in the area.

g. "TURBO" HARBOUR MASTER'S OFFICE

From Punta Arboletes	Lat. 08° 53' 35" N
	Long 76° 25' 47" W
Cabo Tiburón line, limit with Panama	Lat 08° 40' 40" N
	Long 77° 21' 30" W

ATRATO River: From its mouth in the Urabá Gulf to the point where Brazo León starts.

h. "SAN ANDRES" HARBOUR MASTER'S OFFICE

In the area included between:

Point "A"	Lat. 12° 30' 00" N
	Long 78° 42' 00" W
Point "B"	Lat 13° 15' 00" N
	Long 78° 42' 00" W
Point "C"	Lat 13° 15' 00" N
	Long 82° 00' 00" W

And the delimitation with Nicaragua, Costa Rica and Panama
The jurisdiction includes islands, cays and sandbanks located in the area.

i. "PROVIDENCIA" HARBOUR MASTER'S OFFICE

In the area included between:

Point "B"	Lat. 13° 15' 00" N
N	
	Long 78° 42' 00" W
W	
Point "C"	Lat 13° 15' 00" N
N	
	Long 82° 00' 00" W

And the delimitation with Nicaragua, Honduras and Jamaica.
The jurisdiction includes the islands, cays and sandbanks located in the area, as well as the Common Zone established in the Delimitation Treaty with Jamaica.

ARTICLE 2. The Harbour Master's Offices on the Pacific Coast shall exercise their jurisdiction in the territory included within the following limits, as indicated in each case

a. "SOLANO BAY" HARBOUR MASTER'S OFFICE

From the limit with Panama	Lat. 07° 12' 39" N
	Long 77° 53' 20" W
To Cabo Corrientes	Lat 05° 29' 00" N

Limit line direction: Long 77° 32' 53" W
259° from Cabo Corrientes.

b. "BUENAVENTURA" HARBOUR MASTER'S OFFICE

From Cabo Corrientes Lat. 05° 29' 00" N
Long 77° 32' 53" W
To the mouth of the Naya River Lat 03° 13' 00" N
Long 77° 34' 00" W
Limit line direction: 270° from the mouth of the Naya River
The jurisdiction includes Malpelo Island.

c. "PUERTO GUAPI" HARBOUR MASTER'S OFFICE

From the mouth of the Naya River Lat. 03° 13' 00" N
Long 77° 34' 00" W
To Punta Guascama Lat 02° 37' 20" N
Long 78° 24' 20" W
Limit line direction: 270° from Punta Guascama
The jurisdiction includes the Islands of Gorgona and Gordinilla and the Patía River from its mouth to Point "i" located a Latitude 02° 11' 15" N, Longitude 78° 37' 08" W.

d. "UMACO" [sic] [TUMACO] HARBOUR MASTER'S OFFICE

From Punta Guascama Lat. 02° 37' 20" N
Long 78° 24' 20" W
To Colombia's limit with Panama Lat 01° 25' 00" N
: Long 78° 54' 50" W
The jurisdiction includes the Mira River from its mouth to point "J" located a latitude 01° 07' 25" N, longitude 78° 58' 50" W.

ARTICLE 3. The Harbour Master's Offices located on border rivers shall exercise their jurisdiction in the territory included between the following limits:

a. "PUERTO CARREÑO" HARBOUR MASTER'S OFFICE

Includes the riverbed and Colombian bank of the Meta River from Caño de la Virgen near Manatí Island to Puerto Carreño, and the riverbed and Colombian bank of the Orinoco River from Puerto Carreño to the Maipurés rapids

b. "PUERTO INIRIDA" HARBOUR MASTER'S OFFICE

Includes the riverbed and Colombian bank of the Orinoco and Atabapo Rivers from the Maipurés Rapids on the Orinoco to the Bocas de Guasacavi on the Atabapo River, and on the Inírida River from Puerto Inírida to its mouth at the Atabapo River.

c. SAN FELIPE HARBOUR MASTER'S OFFICE

Includes the riverbed and Colombian bank of the Guainía River or Negro River from the Venado rapids in the upper Guainía to the Piedra de Cocuy in the Negro River.

d. LETICIA HARBOUR MASTER'S OFFICE

Includes the riverbed and Colombian bank of the Amazon River from the mouth of Quebrada San Antonio to the mouth of the Atacuarí River, along the border area with Peru and Brazil.

e. "PUERTO LEGUIZAMO" HARBOUR MASTER'S OFFICE

Includes the riverbed and Colombian bank of the Putumayo River from Puerto Asís following the limit with Ecuador and Peru to Tarapacá on the limit with Brazil.

ARTICLE 4. The Harbour Master's Offices shall exercise their functions and powers in the jurisdictional waters, navigable border rivers, coasts, shores and ports of the Republic within the geographic limits established in this Resolution.

ARTICLE 5. For the purposes of Chapter V, Title IV of Decree-Law 2324 of 1984, the Second Category Harbour Master's Offices shall be attached to the First Category Harbour Master's Offices in the following manner:

- a) To the Cartagena Harbour Master's Office, the Harbour Master's Offices of:
Puerto Inírdia
San Felipe
- b) To the Barranquilla Harbour Master's Office, the Harbour Master's Office of:
Puerto Carreño
- c) To the Santa Marta Harbour Master's Office, the Harbour Master's Office of:
Riohacha
- d) To the San Andrés Harbour Master's Office, the Harbour Master's Office of:
Providencia
- e) To the Buenaventura Harbour Master's Office, the Harbour Master's Office of:
Solano Bay
- f) To the Tumaco Harbour Master's Office, the Harbour Master's Office of:
Guapi
- g) To the Leticia Harbour Master's Office, the Harbour Master's Office of:
Puerto Leguízamo

ARTICLE 6. This resolution repeals Resolutions 0282 of July 10, 1975, 0285 of March 17, 1989, 0732 of May 29, 1992 and the others that are contrary to it.

ARTICLE 7. This resolution shall govern from the date of its issuance.

TO BE PUBLISHED AND COMPLIED WITH,

Issued in Santafé de Bogotá, D.C., DEC. 27, 1994

Vice Admiral GILBERTO ENRIQUE RONCANCIO SARMIENTO
General Maritime Director

Captain RICARDO ALVARADO REYES
Secretary General

ANNEX 6

General Maritime Directorate, Resolution No.121 of
2004 (28 April 2004)

RESOLUTION 121 OF 2004**(28 April 2004)**

By means of which it facilitates the procedure of departure of the boats dedicated to the coastal and inshore artisanal fishing in jurisdiction of the Captaincy of Port of San Andrés and the Captaincy of Puerto de Providencia.

The Maritime General Director, in exercise of his legal faculties consecrated in numerals 6 and 8 of article 5 of Decree-Law 2324 of 1984, and numerals 3 and 7 of the Article 2nd Decree 1561 of 2002,

[...]

Article 4. The boats that, by virtue of this resolution, are authorized to sail for coastal fishing, may not exceed the limit of one (1) nautical mile from the coast of the Island of San Andrés and Providencia during their work. Similarly, those that are authorized to sail for inshore fishing will not exceed the limit of twelve (12) miles off the coast of the Island of San Andrés and Providencia. [...]

ANNEX 7

General Maritime Directorate, Resolution No. 0311 of
2013 (26 June 2013)

GENERAL MARITIME DIRECTORATE**RESOLUTION 0311 OF 2013****(June 26, 2013)****D. O. No. 48835 of 2013**

By means of which some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices are adopted.

The General Maritime Director, in the exercise of the legal powers granted in Sections 5, 6 and 8 of Article 5 of Decree Law 2324 of 1984, in accordance with Sections 2 and 5 of Article 2 of Decree No. 5057 of 2009 and Article 7 of Law 1115 of 2006, and

WHEREAS:

Article 2 of the Political Constitution of Colombia establishes that serving the community, promoting general prosperity and guaranteeing the effectiveness of the principles, rights and duties enshrined therein are essential purposes of the State.

Article 3 of Law 489 of 1998, in accordance with Constitutional Article 209, provides that the administrative function is at the service of the general interests and is developed based on the principles of equality, morality, effectiveness, economy, speed, impartiality, disclosure, responsibility and transparency.

Section 5 of Article 5 of said law provides that the functions of the General Maritime Directorate include regulating, directing and controlling activities related to the safety of navigation in general.

Section 6 of said Article establishes the function of authorizing the operation of ships and naval craft in Colombian waters.

Section 8 of said Article establishes as a function of the General Maritime Directorate that of authorizing and controlling activities related to the arrival, docking, maneuvering, anchoring, towing and departure of ships and navel craft; and making visits to receive ships and naval craft in Colombian ports through the Harbour Master's Offices.

Section 5 of Article 2 of Decree No. 5057 of 2009 establishes as a function of the General Maritime Directorate that of planning, directing, coordinating and evaluating the regulations necessary for the development, control and monitoring of maritime activities.

Section d) of Article 1 of Decree No. 732 of 1979 establishes that foreign vessels dedicated to fishing or marine and coastal exploration in Colombian waters shall pay a fee of one dollar and eighty cents (US\$1.80) of the United States of America per year or fraction thereof, as a lighthouse and buoy charge.

Article 41 of Decree No. 1423 of 1989 establishes that the authorization of the General Maritime Directorate shall be required when a foreign-flag vessel stays in a Colombian port or waters for more than sixty (60) days.

On November 19, 2012, the International Court of Justice, sitting in The Hague, issued a judgment that established the maritime delimitation between Colombia and Nicaragua in the Archipelago Department of San Andrés, Providencia and Santa Carolina, which caused a *de facto* situation that has had some negative economic and social effects on the development of life and activities in the Archipelago.

Decree No. 753 of April 17, 2013 adopted the “San Andrés, Providencia and Santa Catalina Program, Phase II,” which defines the strategic programs and investment projects to be carried out in the Agriculture, Fishing and Aquaculture sectors in the Archipelago Department of San Andrés, Providencia and Santa Catalina, in accordance with Article 151 of Law 1607 of 2012 and Decree No. 294 of 2013.

In order to overcome the negative economic and social consequences that the above-mentioned judgment has had on the population of the Archipelago, it was deemed necessary to implement special transitory measures applicable to national and foreign ships that have been engaged in industrial fishing in said area of the national territory.

Pursuant to the foregoing, the General Maritime Director,

RESOLVES:

Article 1. Purpose. The purpose of this resolution is to establish some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbour Master’s Offices, as a result of the judgment issued by the International Court of Justice, sitting in The Hague, on November 19, 2012.

Article 2. Scope of application. The provisions of this resolution shall be applicable exclusively to the following vessels dedicated to industrial fishing in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices:

1. Colombian-flag vessels:

No.	NAME	FLAG	REGISTRATION NUMBER
1	DRAKKER V	COLOMBIAN	MC-05-562
2	CAPTAIN S	COLOMBIAN	MC-07-0165
3	MISS ASTRIA	COLOMBIAN	MC-07-0144

4	RIBES	COLOMBIAN	CP-03-0453-B
5	CAPT RAUL	COLOMBIAN	MC-07-0179

2. Foreign-flag vessels:

No.	NAME	FLAG	REGISTRATION NUMBER
1	<i>THE SAGA</i>	<i>HONDURAN</i>	<i>U-1826659</i>
2	<i>ALMIRANTE</i>	<i>HONDURAN</i>	<i>U-1928203</i>
3	<i>AMEX I</i>	<i>HONDURAN</i>	<i>RH-U52423</i>
4	<i>BLUE SKIES I</i>	<i>HONDURAN</i>	<i>U-1812701</i>
5	<i>FAT BOY</i>	<i>HONDURAN</i>	<i>L-1907554</i>
6	<i>SEA BREEZE</i>	<i>HONDURAN</i>	<i>U-1808047</i>
7	<i>TOMA</i>	<i>TANZANIAN</i>	<i>300241</i>
8	<i>CAPITANA</i>	<i>HONDURAN</i>	<i>U-1818041</i>
9	<i>CAPT JARED</i>	<i>NICARAGUA</i>	<i>1447</i>
10	<i>CAPT LOLE</i>	<i>HONDURAN</i>	<i>RHU-25186</i>
11	<i>CAPT GEOVANNIE</i>	<i>HONDURAN</i>	<i>U-0328176</i>
12	<i>FAIR WINDS</i>	<i>HONDURAN</i>	<i>U-1911427</i>
13	<i>LUCK LADY</i>	<i>HONDURAN</i>	<i>U-1824370</i>
14	<i>MISS DÓLORES</i>	<i>TANZANIAN</i>	<i>300112</i>
15	<i>MISS SHARIKA</i>	<i>HONDURAN</i>	<i>U-1822588</i>
16	<i>ROUGH RIDER</i>	<i>JAMAICA</i>	<i>JMF04006</i>
17	<i>SEA FALCON</i>	<i>NICARAGUA</i>	<i>1446</i>
18	<i>LADY CHAMP</i>	<i>HONDURAN</i>	<i>U-1924727</i>
19	<i>CARNIVAL X</i>	<i>HONDURAN</i>	<i>RHU-25117</i>

Article 3. *Lighthouses and Buoys.* The foreign-flag motor ships listed in Section 2 of Article 2 of this resolution are exempt for one time only from the payment for lighthouses and buoys, which the General Maritime Directorate is responsible for collecting, for the term of one year from the entry into force of this resolution.

Article 4. *Stay-and-operation permit for foreign ships.* The foreign-flag motor ships listed in Section 2 of Article 2 of this resolution shall automatically be granted a permit to stay and operate in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices for the term of one year from the entry into force of this resolution, upon authorization of the Office of the Secretary of Agriculture and Fishing of the Government of San Andrés, Providencia and Santa Carolina.

Article 5. *Statutory Certificates.* The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 2 of this resolution are authorized to operate in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices for the term of three (3) months from the entry into force of this resolution, while the National Maritime Authority performs the necessary inspections for updating and legalizing the Statutory Certificates.

Article 6. *Effective Date.* This resolution shall enter into force from the date of its publication in the ***Official Gazette***.

To be published and complied with.

Issued in Bogotá, D.C. on June 26, 2013.

Rear Admiral **JAIRO FALLA PERDOMO.**

Chief, Navy Command Permanent Advisory Group

In charge of the Functions of the General Maritime Directorate

ANNEX 8

Law No. 1675 of 30 July 2013

LAW No. 1675 30 JULY 2013**BY-LAWS TO ARTICLES 63, 70 AND 72 OF THE POLITICAL CONSTITUTION
OF COLOMBIA REGARDING SUBMERGED CULTURAL HERITAGE****THE CONGRESS OF COLOMBIA****DECREETS:**

[...]

Article 2. Submerged cultural heritage. The submerged cultural heritage, in accordance with the provisions of Articles 63 and 72 of the Political Constitution, is part of the archaeological heritage and is owned by the Nation. Without prejudice to the provisions of Article 6 of Law 397 of 1997, the submerged cultural heritage is composed of all those goods resulting from human activity that are representative of the culture that are permanently submerged in internal, fluvial and lacustrine waters, in the territorial sea, in the contiguous zone, the exclusive economic zone and the continental and insular shelf, and other areas delimited by baselines. The organic and inorganic remains, the settlements, cemeteries and all physical evidence of disappeared human groups, human remains, the shipwrecked species constituted by the ships or naval artifacts and their endowment, their remains or parts, endowments or recumbent elements are part of this patrimony, whatever their nature or state, and whatever the cause of the immersion, sinking, shipwreck or casting.

In line with the foregoing, goods declared as belonging to the submerged cultural heritage will be subject to the regime established in the Political Constitution, the Special Protection Regime and the specific provisions set forth in Law 39 'of 1997, as amended by Law 1185 of 2008, and in the current regulations for archaeological heritage, as well as the special provisions established in this law.

Paragraph. Submerged cultural heritage is not considered the goods found to be the product of wrecks or shipwrecks that have not reached 100 years from the occurrence of the event, which are regulated by the norms of the Commercial Code and articles 710 and concordant of the Civil Code in terms of its salvage, and other applicable national and international regulations. Neither are those assets found in sinkings, shipwrecks or castings that have been more than 100 years since their occurrence, and that do not meet the conditions to be considered as belonging to the submerged cultural heritage.

[...]

Article 10. Authorizations and contracts related to the submerged cultural heritage. The authorizations to carry out activities on the submerged cultural heritage, whether or not they imply economic expectations for those who carry them out, will be granted by the Ministry of Culture. The contracts related to the submerged cultural heritage will be held by the Ministry of Culture, on behalf of the Nation, through the public bidding procedure provided for in Law 80 of 1993

or the rules that replace or modify it, in addition to meeting the legal, technical requirements or of another nature established in this law and those established in the regulations issued by the National Government for such purpose.

The Colombian Institute of Anthropology and History, ICANH through an agreement with other government entities that are in technical and economic capacity, and have sufficient historical knowledge, may advance the activities related to the submerged cultural heritage referred to in Article 4 of this Law; in such a way that the Colombian State has the first option to advance these activities.

[...]

ANNEX 9

General Maritime Directorate, Resolution No. 305 of
2014 (25 June 2014)

RESOLUTION 305 OF 2014

(June 25, 2014)

D.O. 49,213, July 15, 2014

By means of which some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices are adopted.

Note: Added by Resolution 343 of 2014.

The General Maritime Director, in the exercise of the legal powers granted in Sections 5, 6 and 8 of Article 5 of Decree Law 2324 of 1984, in accordance with Sections 2 and 5 of Article 2 of Decree No. 5057 of 2009 and Article 7 of Law 1115 of 2006, and

WHEREAS:

Article 2 of the Political Constitution of Colombia establishes that serving the community, promoting general prosperity and guaranteeing the effectiveness of the principles, rights and duties enshrined therein are essential purposes of the State;

Article 3 of Law 489 of 1998, in accordance with Constitutional Article 209, provides that the administrative function is at the service of the general interests and is developed based on the principles of equality, morality, effectiveness, economy, speed, impartiality, disclosure, responsibility and transparency;

Section 5 of Article 5 of Decree Law 2324 of 1984 provides that the functions of the General Maritime Directorate include regulating, directing and controlling activities related to the safety of navigation in general;

Section 6 of said Article establishes the function of authorizing the operation of ships and naval craft in Colombian waters;

Section 8 of said Article establishes as a function of the General Maritime Directorate that of authorizing and controlling activities related to the arrival, docking, maneuvering, anchoring, towing and departure of ships and navel craft; and making visits to receive ships and naval craft in Colombian ports through the Harbour Master's Offices;

Section 5 of Article 2 of Decree No. 5057 of 2009 establishes as a function of the General Maritime Directorate that of planning, directing, coordinating and evaluating the regulations necessary for the development, control and monitoring of maritime activities;

Article 1 of Decree No. 2836 of 2013 establishes that whenever national- or foreign-flag vessels enter a Colombian port they shall pay for the maritime security service, which consists of processes and procedures developed by the National Maritime Authority in order to contribute to the safety of human life at sea, the security and efficiency of navigation and/or the protection of the marine environment;

Article 41 of Decree No. 1423 of 1989 establishes that the authorization of the General Maritime Directorate shall be required when a foreign-flag vessel stays in a Colombian port or waters for more than sixty (60) days;

On November 19, 2012, the International Court of Justice, sitting in The Hague, issued a judgment that established the maritime delimitation between Colombia and Nicaragua in the Archipelago Department of San Andrés, Providencia and Santa Carolina, which caused a *de facto* situation that has had some negative economic and social effects on the development of life and activities in the Archipelago;

Decree No. 733 of April 17, 2013, modified by Decree No. 2667 of November 20, 2013, adopted the "San Andrés, Providencia and Santa Catalina Program, Phase II," which defines the strategic programs and investment projects to be carried out in the Agriculture, Fishing and Aquaculture sectors in the Archipelago Department of San Andrés, Providencia and Santa Catalina, in accordance with Article 151 of Law 1607 of 2012 and Decree No. 294 of 2013;

In order to overcome the negative economic and social consequences that the above-mentioned judgment has had on the population of the Archipelago, it was deemed necessary to implement special transitory measures applicable to national and foreign ships that have been engaged in industrial fishing in said area of the national territory;

Resolution No. 311 of 2013 of the General Maritime Directorate adopted some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices, which are valid for one year, as it was necessary to update the list of Colombian- and foreign-flag vessels to which the cited benefits will be applicable;

Pursuant to the foregoing, the General Maritime Directorate,

RESOLVES:

Article 1: Purpose. The purpose of this resolution is to establish some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices as a result of the judgment issued by the International Court of Justice, sitting in The Hague, on November 19, 2012.

Article 2. Scope of application. The provisions of this resolution shall be applicable exclusively to the following ships dedicated to industrial fishing in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices:

1. Colombian-flag vessels:

No.	MOTOR SHIP NAME	REGISTRATION NO.	FLAG
1	CAPITÁN S	MC-07-0165	COLOMBIA
2	CAPITÁN RAÚL	MC-07-0179	COLOMBIA
3	MISS ASTRIA	MC-07-0144	COLOMBIA
4	DRAKKER V	MC-05-592	COLOMBIA
5	RIBES	CP-03-0453-B	COLOMBIA
6	MARÍA DEL CARMEN I	MC-07-0162	COLOMBIA

2. Foreign-flag vessels:

No.	MOTOR SHIP NAME	REGISTRATION NO.	FLAG
1	SEA BREZZE	U-1208047	HONDURAS
2	THE SAGA	U-1826659	HONDURAS
3	AMEX I	RHU-52423	HONDURAS
4	CAPT GEOVANIE	U-0328176	HONDURAS
5	BLUE SKIES I	U-1812701	HONDURAS
6	MISS SHARIKA	U-1822588	HONDURAS
7	CAPITANA	U-1818041	HONDURAS
No.	MOTOR SHIP NAME	REGISTRATION NO.	FLAG
8	CAPT LOLE	RHU-25186	HONDURAS
9	LUCKY LADY	U-1824370	HONDURAS
10	LADY CHAMP	U-1924727	HONDURAS
11	CAPT HYDE	U-1821518	HONDURAS
12	SEA DOG	U-1808425	HONDURAS
13	FAT BOY	L-1907554	HONDURAS
14	SEA FALCON	1446	NICARAGUA
15	CAPT JARED	1447	NICARAGUA
16	MISS SHARLETT	1093	NICARAGUA

17	MISS DOLORES	300112	TANZANIA
18	TOMA	300241	TANZANIA
Added by Resolution 343 of 2014, Article 1			
19	CAPT NAIGGER	U-1828049	HONDURAS

Article 3. Maritime Security Service. The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 2 of this resolution are exempt from the payment for the Maritime Security Service established in Article 1 of Decree No. 2836 of 2013, which the General

Maritime Directorate is responsible for collecting, for the term of one year from the entry into force of this resolution.

Article 4. Stay-and-operation permit for foreign ships. The foreign-flag motor ships listed in Section 2 of Article 2 of this resolution shall automatically be granted a permit to stay and operate in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices for the term of one year from the entry into force of this resolution, upon authorization of the Office of the Secretary of Agriculture and Fishing of the Government of San Andrés, Providencia and Santa Carolina.

Article 5. Statutory Certificates. The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 2 of this resolution are authorized to operate in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices for the term of three (3) months from the entry into force of this resolution, while the National Maritime Authority performs the necessary inspections for updating and legalizing the Statutory Certificates.

Article 6. Effective Date. This resolution shall enter into force from the date of its publication in the **Official Gazette**, and it repeals Resolution No. 311 of 2013 of the General Maritime Directorate.

To be published and complied with.

Issued in Bogotá, D.C. on June 25, 2014.

ORIGINAL SIGNED

Rear Admiral **ERNESTO DURÁN GONZÁLEZ**
General Maritime Director

ANNEX 10

Decree No. 1698 of 5 September 2014

DECREE No. 1698 of 2014
5 SEPTEMBER 2014

“By which Law 1675 of 2013 is regulated”

THE PRESIDENT OF THE REPUBLIC OF COLOMBIA

[...]

Article 3. Ownership of the submerged cultural heritage. The Nation is the owner of the Submerged Cultural Heritage. Under no circumstances will an exploration or intervention authorization or contract generate property rights or other rights for the beneficiary of the license or the contractor, on the assets and archaeological contexts of the Submerged Cultural Heritage, under the terms of article 10 of Decree 833 of 2002.

[...]

Article 14. Exploration authorization. Any exploration in marine, lacustrine or fluvial waters that has for object the identification of contexts and objects pertaining to the Submerged Cultural Patrimony, must have authorization or contract subscribed by the Ministry of Culture.

[...]

Article 26. Definition of priorities. Having heard the Commission of Shipwrecked Antiquities, the Ministry of Culture must evaluate the characteristics and importance of shipwrecks or submerged archaeological contexts, emphasizing its location, state of conservation, graphic and photographic record and available historical information, defining priorities and possibilities for the intervention. The Ministry of Culture must give priority to Contracting Processes over submerged Cultural Heritage assets that are threatened or in imminent risk of destruction by natural or human factors, and may take the necessary measures for their priority preservation.

[...]

Article 41. Property and Tenure of the Submerged Cultural Heritage. The property belonging to the Submerged Cultural Heritage is owned by the Nation. The possession by individuals of goods extracted from archaeological contexts of Submerged Cultural Heritage is permitted and is governed by the regulations established for this purpose by the Ministry of Culture, under the provisions of Law 1185 of 2008 and Decree 763 of 2009.

[...]

ANNEX 11

General Maritime Directorate, Resolution No. 4997
(10 November 2014).



SAN ANDRES AND PROVIDENCIA ISLANDS

GOVERNMENT

of the Department of the Archipelago of San Andrés,
 Providencia and Santa Catalina
Seaflower Biosphere Reserve
 NIT [Tax ID Number]: 892.400.038-2

RESOLUTION NO. [stamp:] - 004997 -
 ([stamp:] NOV 10, 2014)

“Which issues a decision on admissibility of a request”

The undersigned Governor of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, in her capacity as President of the Departmental Fishing and Aquaculture Board (the JUNDEPESCA in Spanish and hereinafter) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, and in exercise of the authorities granted by means of Law 47 of 1993, Law 915 of 2004, Agreement No. 002 of January 24, 2007, and all other associated provisions on the subject, and

WHEREAS

By means of Resolution No. 0124 of March 04, 2003, the Colombian Institute of Rural Development (INCODER in Spanish and hereinafter) granted a Comprehensive Fishing Permit for a period of five (5) years to the corporation COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A., abbreviated as “**C.I. ANTILLANA S.A.**”, holder of Tax ID Number (NIT in Spanish) 800034825-8, and registration number 09-52957-04 from the Cartagena Chamber of Commerce. The validity of that permit was later extended by means of Resolutions 02888 of July 18, 2008 and 03164 of July 19, 2013.

By means of Resolution No. 003364 of June 28, 2011, the Departmental Fishing and Aquaculture Board (JUNDEPESCA) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina authorized affiliation of the motorized vessel **ROUGH RIDER** to the fishing fleet of the permit holder COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. “**C.I. ANTILLANA SA**”.

By means of the request received by this Office on July 15, 2014, with filing number (*No. de Rad. ENT* in Spanish): 18084, Mr. **ANDRES LUGO VINCHIRA**, in his capacity as Legal Representative of the company ^[initials] “**C.I. ANTILLANA S.A.**”, which is the holder of Tax ID Number (NIT in Spanish) 800034825-8 and

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Registration Number 09-52957-04 from the Cartagena Chamber of Commerce, requested DISAFFILIATION of the Jamaican-flagged motorized vessel ROUGH RIDER and simultaneous AFFILIATION of the Honduran-flagged motorized vessel THE SAGA.

For such purposes, the requester has provided the following information and/or documentation, in conformity with the requirements found in Articles 85 and 86 of Regulatory Decree 2256 of 1991 and Articles 2, 3.1, and 7.1 of Agreement No. 009 of 2003, in agreement with Resolution No. 0601 of August 23, 2012, issued by the National Authority on Aquaculture and Fishing (the AUNAP in Spanish and hereinafter):

- ❖ *Written request from the permit holder.*
- ❖ *Activities plan with annexes and a photocopy of the Professional Biologist Card for Ms. Martha Cecilia Prada Triana.*
- ❖ *Certificate of commercial registration by the Chamber of Commerce, issued within the last 90 days.*
- ❖ *Affiliation Contract.*
- ❖ *Navigation License.*

After having reviewed the documentation provided and the contents of the activities plan, the professional working on behalf of the Secretariat of Agriculture and Fishing of the Department of the Archipelago submitted the corresponding Technical Evaluation. An opinion was then issued by means of Technical Report No. 07 dated October 06, 2014, establishing the technical *viability* of the activities plan, as long as there is compliance with some recommendations and under the parameters cited in that plan.

A) Technical Report No. 07 dated July 22, 2014

2. Technical Evaluation

Based upon a review of the documentation provided by the requester (request letters, activities plan, final navigation license for the motorized vessel (abbreviated as M/N in Spanish) The SAGA, navigability certificate for the M/N The SAGA, and professional certificate issued in the name of Martha Prada), the permit is found to be currently valid, with the following observations being made:

3. Fishing Quotas based on the type of Permit and/or Fishing.

By means of Resolution No. 001680 of December 27, 2013, the AUNAP and Ministry of Agriculture and Rural Development have assigned the overall fishing quotas for the maritime spaces under Colombia's jurisdiction, distributed among the various permit holders and valid for the year 2014, in the following manner:

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The overall quota for lobster and fish is distributed proportionally between industrial and traditional fishing, with the levels established for 2013 being maintained, as follows:

- Overall Quota for lobster: 150 metric tons for the 2014 validity period, of which 135 metric tons are dedicated to industrial fishing and 15 metric tons to traditional fishing, with no reserve quota.
- Overall Quota for scaled fish: 895 metric tons for the 2014 validity period, of which 581 metric tons of fish are assigned to industrial fishing and 269 metric tons to traditional fishing, with a reserve quota of 45 metric tons established for new users.
- Overall Quota for **QUEEN CONCH**: 16 metric tons cleaned for the 2014 validity period, which was assigned exclusively to **Traditional Fishing** for the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.
-

4. Type of Fishing

[initials] The motorized vessel THE SAGA will be dedicated to extraction of lobster (*Panulirus argus*, *Panulirus laevicauda*) as its main target for capture. However, the lobster fishing will be accompanied by the capture of various species of demersal fishes, which the capture expected to include, among others, fishes from the families Haemulidae (*roncos*), Carangidae (*jureles*), Sphyraenidae (*barracudas*), Scombridae (*sierras* and *atunes*), Coryphaenidae (*dorado*), and only occasionally Lutjanidae (*pargos*) and Serranidae (*meros* and *chernas*).

5. Fishing Fleets

The vessel that is replacing the ROUGH RIDER, which is named THE SAGA, will be part of the fishing fleet operated using the permit held by the company C.I. ANTILLANA S.A., and with the characteristics of those vessels being summarized below:

Characteristics	ROUGH RIDER (Disaffiliation)	THE SAGA (Affiliation)
Flag	Honduras	Honduras
Registration	JMF 04009	U-1826659
Length (m)	24.3	22.3
Beam (m)	6.7	6.7
Gross Tonnage (ton)	110	129

Net Tonnage (ton)	85	88
Hully type	Steel	Steel
Engine power (hp)	Cummins 272.3 kW	Diesel 12V, GM 71, 365

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		hp
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- Note: As other details worth noting, the vessel named (**The SAGA**) technically corresponds to a motorized vessel with high navigation autonomy and it has a cold store for storage.

5.1 Fishing Techniques

The techniques to be used for carrying out the activities are those permitted for operating in the zones established for activities involving industrial extraction of fishery resources, wooden traps (2,500 units per fishing operation) with the characteristics described in *Note for Clarification 1*.

The techniques to be used for capturing fish will be only hand line (nylon) and/or vertical longline with reel, using line with a strength of 300 to 400 pounds and with fishhooks of different calibers attached depending on the species to be captured.

- ***Note for clarification 1.***

The design used consists of a rigid structure, with the four faces or covers being lined with wood in the form of slats 2 inches wide and 70 centimeters long. Between adjacent slats a space of at least 1½", 2", or 2¼" is left open. In order for the trap to be used there must be at least one escape gap on the side opposite the one by which the trap is lifted, with an escape opening of 2-1/8 inches (5.4 cm) between the base and the first slat immediately above the floor of the trap, in order to ensure that juvenile lobsters can exit the traps. **It is technically viable as long as the regulations on construction of the traps are complied with.**

5.2 Fishing Zones

The activities for extraction of Fishery Resources are intended to take place on all of the banks (Roncador, Serrana and Quitasueño, and Serranilla) and Shoals (Alicia and Nuevo), and in the fishing zones where permitted by the laws, fishing regulations, and system of Protected Marine Areas that apply in the Department for Industrial Fishing. Therefore, **it is technically viable as long as the regulations and laws for the Department and all other legislation in effect on fishing are complied with.**

5.3 Port of Unloading

In compliance with the provisions found in Article 35 of Law 47 of 1993, a minimum of ten percent (10%) of the quota for the resources must be unloaded in the territory of the Archipelago for internal consumption or commercialization there. The Department's Secretariat of Agriculture in Fishing must also be notified regarding the product's destination and means of transport. ^[initials]

6. Decision and Recommendations

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Based upon the contents expressed above, it is considered a) **technically viable to authorize DISAFFILIATION of the motorized vessel ROUGH RIDER and AFFILIATION of the motorized vessel THE SAGA**, with the following recommendations taken into account:

- The company **C.I. ANTILLANA S.A. or the MARITIME AGENT** will have the duty to provide timely notification regarding arrival of the affiliated motorized vessels. Notification of the arrival must be verbal and in writing and provided to the Department’s Secretariat of Agriculture and Fishing.
- The vessel must comply with the zoning from the system of Protected Marine Areas (Seaflower Biosphere Reserve) established by the Corporation for Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (the CORALINA in Spanish and hereinafter), and must refrain from operating in any areas exclusively dedicated to traditional fishing by means of JUNDEPESCA Agreement No. 004 of 2008 and its amendments.
- The vessel must refrain from fishing for products not authorized in the fishing license, and it must comply with Resolution No. 003333 of September 24, 2008 issued by the Colombian Institute of Agriculture and Livestock (the ICA in Spanish), which prohibits fishing that targets sharks in the Marine Areas of the Archipelago.
- The lobster traps must comply with the characteristics established, with at least one escape gap provided on the side opposite the one where the line is attached to raise the trap, with an escape opening of 2-1/8 inches (5.4 cm) between the base and the first slat immediately above the floor of the trap, in order to ensure that juvenile lobsters can exit from the traps.
- The vessel must refrain from carrying divers for activities where their presence is not necessary, since the extraction of the resources (Lobster and White Fish) and the fishing techniques and methods are entirely by use of manual (hand line) or mechanical (winch for reel and traps) operations.

B) Legal opinion dated October 16, 2014; the following observations are presented:

Article 28 of Law 915 of 2004 establishes that the Departmental Fishing and Aquaculture Board (JUNDEPESCA) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina must carry out the duties established in Article 34 of Law 47 of 1993.

In order to streamline and allow timely and efficient processing of requests for extending the period of validity and for making other modifications to permits for commercialization of fishery products, for industrial commercial fishing, and for comprehensive permits related to fishing fleets, the Department’s Fishing and Aquaculture Board, by means of Article 1.3 of Agreement 002 of January 24, 2007, has expressly delegated to the President of **JUNDEPESCA** “the authority to modify permits for Industrial Commercial Fishing and Comprehensive Industrial Commercial Fishing in relation to changes to fishing fleets (affiliations, replacements, name changes, flag changes, and similar)”.

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The Technical Secretary of JUNDEPESCA must be notified in writing regarding any change of a legal or operational nature in the request, so that the corresponding modification can be made in compliance with the regulations in effect.

[initials] Article 13 of Agreement No. 009 of 02, 2003 [sic], issued by the INCODER, establishes the requirements that permit holders must comply with for AFFILIATION, DISAFFILIATION, and replacement of vessels. In relation to disaffiliation, numeral 2 established that the corresponding application must be submitted and the requester must be current with all obligations related to taxes and fees; and for affiliation, the request must be submitted with a copy of the vessel's registration attached, and if the requester is not the vessel's owner then a copy of the affiliation contract must be attached, and the applicant must be current with all obligations, and an activities plan must be included.

With the file having been examined, it is established that the corporation COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "**C.I. ANTILLANA S.A.**" is current with its annual payment of taxes and fees corresponding to the year 2014, thereby complying with the cited Agreement, and that the corresponding request included the documentation required for affiliation, which therefore means that acceptance of the permit holder's request is viable.

Furthermore, according to technical report No. 07 dated October 06, 2014, signed by a professional working on behalf of the Department of the Archipelago's Secretariat of Agriculture and Fishing, it was considered as technically viable to authorize DISAFFILIATION of the motorized vessel ROUGH RIDER and AFFILIATION of the motorized vessel THE SAGA.

With the decision stated above having been reached, the Departmental Fishing and Aquaculture Board (JUNDEPESCA) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina

HEREBY RESOLVES

ARTICLE ONE: TO AUTHORIZE DISAFFILIATION of the Jamaican-flagged motorized vessel **ROUGH RIDER** from the fishing fleet of the permit holder COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "**C.I. ANTILLANA S.A.**" Mr. **ANDRES LUGO VINCHIRA** [sic], given the contents expressed above in the present administrative resolution explaining the grounds for the decision.

ARTICLE TWO: TO AUTHORIZE AFFILIATION of the Honduran-flagged motorized vessel **THE SAGA** with the fishing fleet of the permit holder COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "**C.I. ANTILLANA S.A.**", which holds the Industrial Commercial Fishing permit, Mr. **ANDRES LUGO VINCHIRA** [sic], given the contents expressed above in the present administrative resolution explaining the grounds for the decision.

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ARTICLE THREE: The permit holder **IS HEREBY ORDERED** to comply with the following technical recommendations:

- A. The company **C.I. ANTILLANA S.A. or the MARITIME AGENT** will have the duty to provide timely notification regarding arrival of the affiliated motorized vessels. Notification of the arrival must be verbal and in writing and provided to the Department's Secretariat of Agriculture and Fishing.
- B. The vessel must comply with the zoning from the system of Protected Marine Areas (Seaflower Biosphere Reserve) established by the CORALINA, and it must refrain from operating in any areas exclusively dedicated to traditional fishing by means of JUNDEPESCA Agreement No. 004 of 2008 and its amendments.
- C. The vessel must refrain from fishing for products not authorized in the fishing license, and it must comply with Resolution No. 003333 of September 24, 2008 issued by the Colombian Institute of Agriculture and Livestock (the ICA in Spanish), which prohibits fishing that targets sharks in the Marine Areas of the Archipelago.
- D. The lobster traps must comply with the characteristics established, with at least one escape gap provided on the side opposite the one where the line is attached to raise the trap, with an escape opening of 2-1/8 inches (5.4 cm) between the base and the first slat immediately above the floor of the trap, in order to ensure that juvenile lobsters can exit from the traps.
- E. The vessel must refrain from carrying divers for activities where their presence is not necessary, since the extraction of the resources (Lobster and White Fish) and the fishing techniques and methods are entirely by use of manual (hand line) or mechanical (winch for reel and traps) operations.

ARTICLE FOUR: The fishing fleet, as a result of DISAFFILIATION of the motorized vessel **ROUGH RIDER** [initials] and simultaneous affiliation of the motorized vessel **THE SAGA** for the fishing fleet of the permit holder COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "**C.I. ANTILLANA S.A.**" continues to consist of SEVENTEEN (17) vessels:

No.	Motorized Vessel	Flag	Type and Fishery	Fishing Technique
1	CAPITANA	Honduras	Lobster and White Fish	Trap
2	AMEX I	Honduras	Lobster and White Fish	Trap
3	ALMIRANTE	Honduras	Lobster and White Fish	Trap
4	CAP. JARED	Nicaragua	Lobster and White Fish	Trap
5	SEA FALCON	Nicaragua	Lobster and White Fish	Trap
6	MISS DOLORES	Tanzania	Lobster and White Fish	Trap
7	LADY CHAMP	Honduras	Lobster and White Fish	Trap
8	MISS SHAKIRA	Honduras	Lobster and White Fish	Trap
9	LADY AIMEE	Nicaragua	Lobster and White Fish	Trap
10	MISS SATISHAI	Honduras	Lobster and White Fish	Trap

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11	CAPITAN LARRY	Honduras	Lobster and White Fish	Trap
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12	FAIR WINDS	Honduras	Lobster and White Fish	Trap
13	LUCKY LADY	Honduras	Lobster and White Fish	Trap
14	JOHNY CRHISTINE	Honduras	Lobster and White Fish	Trap
15	ARLIE JUNIOR	Honduras	Lobster and White Fish	Trap
16	ABRACADABRA	Dominican Republic	Lobster and White Fish	Trap
17	THE SAGA	Honduras	Lobster and White Fish	Trap

ARTICLE FIVE: Annual value of the Fees and Taxes: According to the provisions established in Article 4.2 of Agreement 005 of 2003, since the permit holder's fishing fleet is Honduran flagged, then beginning on November 27, 2008 the permit holder must make an annual payment in an amount equivalent to seventy-five (75) of the minimum daily salaries in legal effect.

The amount of money referred to in the present numeral must be deposited into current account No. 085502370-1 held in the name of "Convenio Gobernación INPA 023" at the San Andrés Island branch of the Banco de Occidente bank within five (5) days following enforcement of this procedural order. Once the cited amount has been deposited, a legible copy of the corresponding payment receipt must be submitted to the Secretariat of Agriculture and Fishing of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

ARTICLE SIX: On an annual basis, the Board's Technical Secretary will review and adjust the value of the taxes established in the present resolution and will exercise ongoing oversight to verify the permit holder's compliance with the obligations contracted.

ARTICLE SEVEN: All other applicable conditions and obligations will continue to be those taken on under the Resolutions for granting and extension of the permit, which must be observed and complied with as part of the present Resolution.

ARTICLE EIGHT: It is hereby ordered that the interested party and/or that party's duly established attorney-in-fact must be personally notified of the contents of the present Resolution. This task must be performed via the Secretariat of Agriculture and Fishing, with a full copy delivered to the user at no cost. Furthermore, the permit holder is hereby notified that an appeal for reconsideration can be brought against the present decision before the President of the Department's Fishing and Aquaculture Board (JUNDEPESCA), which must be filed within ten (10) business days following the date of the notification.

ARTICLE NINE: The present Resolution takes effect as of the date of its issuance.

NOTIFICATION AND IMPLEMENTATION IS HEREBY ORDERED.

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Issued on the Island of San Andrés on [stamp:] **NOV 10, 2014**

[signature]

AURY GUERRERO BOWIE
President of JUNDEPESCA

[signature]

GERALDINE GORDON DUKE
(Acting) Secretary of Agriculture and Fishing

Produced by: Shesska Alarcon L. / Contractor for the SAP [Secretariat of Agriculture and Fishing]

Reviewed/Revised by: Wendy Rodriguez / Contracted Attorney for the SAP

Approved by: Legal Office

ANNEX 12

General Maritime Directorate, Resolution No. 0437 of
2015 (27 July 2015)

RESOLUTION 0437 OF 2015

July 27, 2015

D.O. 49,609, August 19, 2015

By means of which some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices are adopted.

The General Maritime Director, in the exercise of the legal powers granted in Sections 5, 6 and 8 of Article 5 of Decree Law 2324 of 1984, in accordance with Sections 2 and 5 of Article 2 of Decree No. 5057 of 2009 and Article 7 of Law 1115 of 2006, and

WHEREAS:

Article 2 of the Political Constitution of Colombia establishes that serving the community, promoting general prosperity and guaranteeing the effectiveness of the principles, rights and duties enshrined therein are essential purposes of the State.

Article 3 of Law 489 of 1998, in accordance with Constitutional Article 209, provides that the administrative function is at the service of the general interests and is developed based on the principles of equality, morality, effectiveness, economy, speed, impartiality, disclosure, responsibility and transparency.

Section 5 of Article 5 of Decree Law 2324 of 1984 provides that the functions of the General Maritime Directorate include regulating, directing and controlling activities related to the safety of navigation in general.

Section 6 of said Article establishes the function of authorizing the operation of ships and naval craft in Colombian waters.

Section 8 of said Article establishes as a function of the General Maritime Directorate that of authorizing and controlling activities related to the arrival, docking, maneuvering, anchoring, towing and departure of ships and navel craft; and making visits to receive ships and naval craft in Colombian ports through the Harbour Master's Offices.

Section 5 of Article 2 of Decree No. 5057 of 2009 establishes as a function of the General Maritime Directorate that of planning, directing, coordinating and evaluating the

regulations necessary for the development, control and monitoring of maritime activities.

Article 2.4.4.1 of Decree No. 1070 of 2015 establishes that whenever national- or foreign-flag vessels enter a Colombian port they shall pay for the maritime security service, which consists of processes and procedures developed by the National Maritime Authority in order to contribute to the safety of human life at sea, the security and efficiency of navigation and/or the protection of the marine environment.

Article 2.4.3.2.5 of Decree No. 1070 of 2015 establishes that the authorization of the General Maritime Directorate shall be required when a foreign-flag vessel stays in a Colombian port or waters for more than sixty (60) days.

On November 19, 2012, the International Court of Justice, sitting in The Hague, issued a judgment that established the maritime delimitation between Colombia and Nicaragua in the Archipelago Department of San Andrés, Providencia and Santa Carolina, which caused a *de facto* situation that has had some negative economic and social effects on the development of life and activities in the Archipelago.

In order to overcome the negative economic and social consequences that the above-mentioned judgment has had on the population of the Archipelago, it was deemed necessary to implement special transitory measures applicable to national and foreign ships that have been engaged in industrial fishing in said area of the national territory.

Resolutions No. 305 and 343 of 2014 of the General Maritime Directorate adopted some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices, which are valid for one year, as it was necessary to update the list of Colombian- and foreign-flag vessels to which the cited benefits will be applicable.

Pursuant to the foregoing, the General Maritime Directorate,

RESOLVES:

Article 1: Purpose. The purpose of this resolution is to establish some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices as a result of the judgment issued by the International Court of Justice, sitting in The Hague, on November 19, 2012.

Article 2. Scope of application. The provisions of this resolution shall be applicable exclusively to the following ships dedicated to industrial fishing in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices:

1. Colombian-flag vessels:

NUMBER	VESSEL NAME	REGISTRATION	FLAG
1	CAPITÁN RAÚL	MC-07-0179	Colombian
2	DRAKKER V	MC-05-592	Colombian
3	RIBES	CP-03-0453-B	Colombian
4	MISS SUSETH	CP-07-0220-A	Colombian
5	UNDER PRESSUE	CP-12-0514	Colombian
6	CAPTAIN "S"	MC-07-0165	Colombian
7	MISS IDA	CP-07-0943-B	Colombian

2. Foreign-flag vessels:

NUMBER	VESSEL NAME	REGISTRATION	FLAG
1	SEA DOG	U-1808425	Honduran
2	LUCKY LADY	U-1824370	Honduran
3	CAPT GEOVANIE	U-0328176	Honduran
4	OBSERVER	U-1924356	Honduran
5	AMEX I	RHU-522423	Honduran
6	THE SAGA	U-1826659	Honduran
7	TOMA	300341	Honduran
8	CAPT NAIGGER	U-1828049	Honduran
9	BONITA	U-1822739	Honduran
10	SEA BREEZE	U-1808047	Honduran
11	SEA FALCON	1446	Nicaraguan
12	MISS DOLORES	300112	Tanzanian

Article 3. Maritime Security Service. The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 2 of this resolution are exempt from the payment for the Maritime Security Service established in Article 1 [sic] of Article 2.4.4.1 of Decree No. 1070 of 2015, which the General Maritime Directorate is responsible for collecting, for the term of one year from the entry into force of this resolution.

Article 4. Stay-and-operation permit for foreign ships. The foreign-flag motor ships listed in Section 2 of Article 2 of this resolution shall automatically be granted a permit to stay and operate in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices for the term of one year from the entry into force of this resolution, upon

authorization of the Office of the Secretary of Agriculture and Fishing of the Government of San Andrés, Providencia and Santa Carolina.

Article 5. Statutory Certificates. The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 2 of this resolution are authorized to operate in the jurisdiction of the San Andrés and Providencia Harbour Master's Offices for the term of three (3) months from the entry into force of this resolution, while the National Maritime Authority performs the necessary inspections for updating and legalizing the Statutory Certificates.

Article 6. Effective Date. This resolution shall enter into force from the date of its publication in the **Official Gazette**, and it repeals Resolutions No. 305 and 343 of 2014 of the General Maritime Directorate.

To be published and complied with.

Issued in Bogotá, D.C. on July 27, 2015.

Vice Admiral **PABLO EMILIO ROMERO ROJAS**
General Maritime Director (Acting)

ANNEX 13

General Maritime Directorate, Resolution No. 4356 of
2015 (1 September 2015)

[coat of Arms]

SAN ANDRES AND PROVIDENCIA ISLANDS**GOVERNMENT**

of the Department of the Archipelago of San Andrés,
 Providencia and Santa Catalina
Seaflower Biosphere Reserve
 Tax ID Number (NIT in Spanish): 892400038-2

RESOLUTION NUMBER [stamp:] - 004356 -
 ([stamp:] SEP 01, 2015)

“Which issues a decision on admissibility of a request”

The undersigned Governor of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, in her capacity as President of the Departmental Fishing and Aquaculture Board (the JUNDEPESCA in Spanish) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, and in exercise of the authorities granted by means of Law 47 of 1993, Law 915 of 2004, Agreement No. 002 of January 24, 2007, and all other associated provisions on the subject, and

WHEREAS

By means of Resolution No. 0124 of March 04, 2003, the COLOMBIAN INSTITUTE OF RURAL DEVELOPMENT (INCODER in Spanish and hereinafter) granted a Comprehensive Fishing Permit for a period of five (5) years to the corporation COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A., abbreviated as “**C.I. ANTILLANA S.A.**”, holder of Tax ID Number (NIT in Spanish) 800034825-8, and registration number 09-52957-04 from the Cartagena Chamber of Commerce. The validity of that permit was later extended by means of Resolutions 02888 of July 18, 2008 and 03164 of July 19, 2013.

By means of Resolution No. 007 of July 16, 2009, the Departmental Fishing and Aquaculture Board (JUNDEPESCA) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina authorized affiliation of the motorized vessel **ALMIRANTE** to the fishing fleet of the permit holder COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. “**C.I. ANTILLANA SA**”.

By means of the request received by this Office on June 11, 2015, with filing number (*No. de Rad. ENT* in Spanish): 14979, Mr. **ANDRES LUGO VINCHIRA**, in his capacity as Legal Representative of the company “**C.I. ANTILLANA S.A.**”, which is the holder of Tax ID Number (NIT in Spanish) 800034825-8 and Registration Number 09-52957-04 from the Cartagena Chamber of Commerce, requested DISAFFILIATION of the Honduran-flagged motorized vessel **FAIR WINDS** and simultaneous AFFILIATION of the Honduran-flagged motorized vessel **CAPT GEOVANIE**.

At the time when the cited request for affiliation was filed, the motorized vessel CAPT GEOVANIE was affiliated with the fishing fleet of the Industrial Commercial Fishing permit holder Mr. Juan Enrique Archbold, and it was not until August 10 that disaffiliation of that vessel was authorized by means of Resolution No. 003767.

Article 13 of Agreement No. 009 of October 2, 2003, issued by INCODER, establishes the requirements that permit holders must comply with for AFFILIATION, DISAFFILIATION, and replacement of vessels.

In the reference made to disaffiliation, numeral 2 established that the corresponding request must be submitted and the requester must be current with all obligations related to taxes and fees, reports, payment of fines, and others.

In relation to affiliation, numeral 1 establishes the following requirements: [initials]

- a) To submit the corresponding request.

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- b) To attach a copy of the vessel's registration, and if the requester is not the vessel's owner then a copy of the corresponding affiliation or chartering contract must also be attached.
- c) To be current with all obligations in relation to the INCODER (taxes, fees, reports, payment of fines, and others).
- d) To attach the activities plan, produced and signed by one of the professionals described in article 4 of the cited agreement, and in compliance with the requirements indicated there.

For such purposes, the requester has provided the following information and/or documentation, in conformity with Agreement No. 009 of 2003 and in agreement with Resolution No. 0601 of August 23, 2012, issued by the National Authority on Aquaculture and Fishing (the AUNAP in Spanish):

- ❖ *Written request from the permit holder.*
- ❖ *Activities plan with annexes and a photocopy of the Marine Biologist registration for Ms. Martha Cecilia Prada Triana.*
- ❖ *Affiliation Contract.*
- ❖ *Provisional Navigation License.*

By means of the memorandums dated July 24, 2015 and signed by the contracted Technician and the Fishing Engineer for the Secretariat of Agriculture and Fishing, it is being reported that the corporation COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "C.I. ANTILLANA S.A.", with its legal representative being Mr. **ANDRES LUGO VINCHIRA**, is current with its payment of Taxes and Fees for the period of 2015-2016, as well as with submittal of its annual and quarterly reports.

After having reviewed the documentation provided and the contents of the activities plan, the Fishing Engineer submitted the request to the service from the Secretariat of Agriculture and Fishing of the Department of the Archipelago, for performance of the corresponding Technical Evaluation. A decision was then issued by means of Technical Report No. 05 dated August 25, 2015, establishing the technical *viability* of disaffiliation of the motorized vessel **FAIR WINDS** and affiliation of the motorized vessel **CAPT N GEOVANIE**, maintaining the fleet and taking into account the conditions for reporting of the resources exploited.

A) Technical Report No. 5 dated August 25, 2015

2. Technical Evaluation

Based upon a review of the documentation, request letter, activities plan signed by a professional in the field, and a copy of Navigability Certificate No. 0001467 from ROATAN for the motorized vessel (abbreviated as M/N in Spanish) named Capt. Geovanni, the letter of disaffiliation is not needed because the M/N is affiliated with the company C.I. ANTILLANA S.A. (Resolution 005909 of December 31, 2014). The permit is currently valid and the plan complies with the requirements established in Article 13/Resolution 601. "Affiliation, De-Affiliation, and Replacement of Vessels." Based upon all of the above, the following observations are being made.

The contract for affiliation of the M/N **CAPT. GIOVANNI** with the company C.I. ANTILLANA S.A. is still needed.

3. Validity of the Permit

The permit is currently valid based upon Resolution 003164 of 2013 granted by the JUNDEP [Translator's note: presumably the JUNDEPESCA, as above] and it remains valid until 07/18/2018.

By means of Resolution No. 00001845 of December 13, 2014, the National Aquaculture and Fishing Authority (AUNAP) and Ministry of Agriculture and Rural Development have assigned the overall fishing quotas for the maritime spaces under Colombia's jurisdiction, distributed to the various permit holders and valid during the year 2015. The overall quota assigned takes into account the following:

For the present period of validity, the overall quota for lobster and fish is distributed proportionally between industrial and traditional fishing, with the levels established for 2015 being as follows:

- Overall Quota for lobster: 150 metric tons for the 2015 validity period, of which 135 metric tons are assigned to industrial fishing and 15 metric tons to traditional fishing, with no reserve quota.

[initials]

- Overall Quota for scaled fish: 895 metric tons for the 2015 validity period, of which 581 metric tons of fish are assigned to industrial fishing and 269 metric tons to traditional fishing, with a reserve quota of 45 metric tons established for new users.
- Overall Quota for **QUEEN CONCH**: 16 metric tons cleaned for the 2015 validity period, which was assigned exclusively to **Traditional Fishing** for the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

4. Type of Fishing

The motorized vessel **CAPT. GIOVANNI** will be dedicated to extraction of 80% lobster (*Panulirus argus*, *Panulirus laeviscauda*) as the main targets for capture, with "white fish" (*pesca blanca*) [refers to various types of fish] as a secondary capture at around 20%. This is taking into account Resolution No. **00001845 of December 31, 2014**, issued by the JUNDEPESCA and which establishes the **overall** fishing quota (from the AUNAP) for fishing for spiny lobster and white fish.

5. Fishing Vessel Fleet

The vessel that is replacing the **FAIR WINDS** is named **CAPT. GIOVANNI** and it will be part of the fishing vessel fleet operated using the permit held by C.I ANTILLANA S.A.; for the history of motorized vessel replacement, see table 1. The characteristics for the new replacement are seen in Table 2.

Table 1. History of motorized vessels that operated using the permit held by C.I. Antillana S.A.

No. of Vessels	Res. 014 of Aug. 28/2008		Res. 003 of Feb. 5/2009		Res. 06 of June 1/2010		Res. 007 of June 6/2010		Res. 003364 of June 28/2011		Res. 001 of June 22/2011		Res. 3484 of June 20/2012		Res. 004630 of Sep. 5/2012			
	Name	Flag	Name	Flag	Name	Flag	Name	Flag	Name	Flag	Name	Flag	Name	Flag	Name	Flag		
1	CAPTANA	HONDURAS	CAPTANA	HONDURAS	CAPTANA	HONDURAS	CAPTANA	HONDURAS	CAPTANA	HONDURAS	CAPTANA	HONDURAS	CAPTANA	HONDURAS	CAPTANA	Honduran		
2	THUNDERBIRD	HONDURAS	THUNDERBIRD	HONDURAS	ALMIRANTE	HONDURAS	ALMIRANTE	HONDURAS	ALMIRANTE	HONDURAS	ALMIRANTE	HONDURAS	SEA FALCON	NICARAGUA	SEA FALCON	NICARAGUA		
3	MISS DOLORES	Sierra Leone	MISS DOLORES	Sierra Leone	MISS DOLORES	Sierra Leone	MISS DOLORES	Sierra Leone	MISS SHERLINE	HONDURAS	MISS DOLORES	TANZANIA	MISS DOLORES	TANZANIA	MISS DOLORES	TANZANIA		
4	LADY MYRA	HONDURAS	LADY MYRA	HONDURAS	LADY MYRA	HONDURAS	LADY MYRA	HONDURAS	LADY MYRA	HONDURAS	LADY MYRA	HONDURAS	AMEX I	Honduran	AMEX I	Honduran		
5	LIBERTY BELLE	HONDURAS	LIBERTY BELLE	HONDURAS	LIBERTY BELLE	HONDURAS	LIBERTY BELLE	HONDURAS	LIBERTY BELLE	HONDURAS	LIBERTY BELLE	HONDURAS	LADY CHAMP	Honduran	LADY CHAMP	Honduran		
6	LUCKY LADY	HONDURAS	LUCKY LADY	HONDURAS	LUCKY LADY	HONDURAS	LUCKY LADY	HONDURAS	LUCKY LADY	HONDURAS	LUCKY LADY	HONDURAS	MISS SHARIKA	Honduran	MISS SHARIKA	Honduran		
7	MISS SHARIKA	HONDURAS	MISS SHARIKA	HONDURAS	MISS SHARIKA	HONDURAS	MISS SHARIKA	HONDURAS	MISS SHARIKA	HONDURAS	MISS SHARIKA	HONDURAS	ROUGH RIDER	Jamaican	ROUGH RIDER	Jamaican		
8	SHOOTING STAR	U.S.A	SHOOTING STAR	U.S.A	SHOOTING STAR	U.S.A	SHOOTING STAR	U.S.A	ROUGH RIDER	JAMAICA	ROUGH RIDER	JAMAICA	ALMIRANTE	Honduran	LADY AIMEE	NICARAGUA		
9	FAIR WINDS	JAMAICA	FAIR WINDS	JAMAICA	FAIR WINDS	JAMAICA	FAIR WINDS	JAMAICA	FAIR WINDS	JAMAICA	FAIR WINDS	JAMAICA	MISS SHATSTHA	Honduran	MISS SATISHAI	Honduran		
10	CAPTAIN LARRY	HONDURAS	CAPTAIN LARRY	HONDURAS	CAPTAIN LARRY	HONDURAS	CAPTAIN LARRY	HONDURAS	CAPTAIN LARRY	HONDURAS	CAPTAIN LARRY	HONDURAS	FAIR WINDS	Jamaican	CAPTAIN LARRY	Honduran		
11	MASTER MAC	HONDURAS	MASTER MAC	HONDURAS	MASTER MAC	HONDURAS	MASTER MAC	HONDURAS	MASTER MAC	HONDURAS	MASTER MAC	HONDURAS	CAP. JARED	NICARAGUA	CAP. JARED	NICARAGUA		
12	CHARLIE JACKSON	HONDURAS	CHARLIE JACKSON	HONDURAS	CHARLIE JACKSON	HONDURAS	CAP. JARED	NICARAGUA	CAP. JARED	NICARAGUA	CAP. JARED	NICARAGUA	NICARAGUA	LADY AIMEE	NICARAGUA	FAIR WINDS	Jamaican	
13	MISS SHERLINE	HONDURAS	MISS SHERLINE	HONDURAS	SEA FALCON	NICARAGUA	SEA FALCON	NICARAGUA	SEA FALCON	NICARAGUA	SEA FALCON	NICARAGUA	NICARAGUA	LUCKY LADY	Honduran	LUCKY LADY	Honduran	
White Fish																		
1	JOHNNY CHRISTINE	HONDURAS	JOHNNY CHRISTINE	HONDURAS	JOHNNY CHRISTINE	HONDURAS	JOHNNY CHRISTINE	HONDURAS	JOHNNY CHRISTINE	HONDURAS	JOHNNY CHRISTINE	HONDURAS	JOHNNY CHRISTINE	HONDURAS	JOHNNY CHRISTINE	HONDURAS	JOHNNY CHRISTINE	HONDURAS
2	ARLIE JUNIOR THREE	HONDURAS	ARLIE JUNIOR THREE	HONDURAS	ARLIE JUNIOR THREE	HONDURAS	ARLIE JUNIOR THREE	HONDURAS	ARLIE JUNIOR THREE	HONDURAS	ARLIE JUNIOR THREE	HONDURAS	ARLIE JUNIOR THREE	HONDURAS	ARLIE JUNIOR THREE	HONDURAS	ARLIE JUNIOR THREE	HONDURAS
3	WISE II	COLOMBIA	WISE II	COLOMBIA														
Queen Conch																		
1	ABRACADABRA	Dominican Republic	ABRACADABRA	Dominican Republic	ABRACADABRA	Dominican Republic	ABRACADABRA	Dominican Republic	ABRACADABRA	Dominican Republic	ABRACADABRA	Dominican Republic	ABRACADABRA	Dominican Republic	ABRACADABRA	Dominican Republic	ABRACADABRA	Dominican Republic

Table 2.

CHARACTERISTIC	CAPT. GIOVANNI	FAIR WINDS
Flag	Honduran	Honduran
Registration	U-0328176	U-1911427
Length (m)	27.19	22.55
Beam (m)	247.36	76.7
Gross Tonnage (ton)	162	110
Net Tonnage (ton)	130	85
Hull Material	Naval Steel	Naval Steel
Engine HP	Carerpillar 3412 [sic. Caterpillar]	Cimmins 365 [sic. Cummins]
Type of Activity	Industrial Fishing, lobster and fish	Industrial Fishing, lobster and fish

Note:

One detail worth noting is that the cited vessel (CAPT. GIOVANNI) technically corresponds to a motorized vessel with high navigation autonomy and has a storage capacity (cold store) with larger **NRT** and **GRT**, in relation to **taxes** and **fees** and for the **fishing license**.

[initials]

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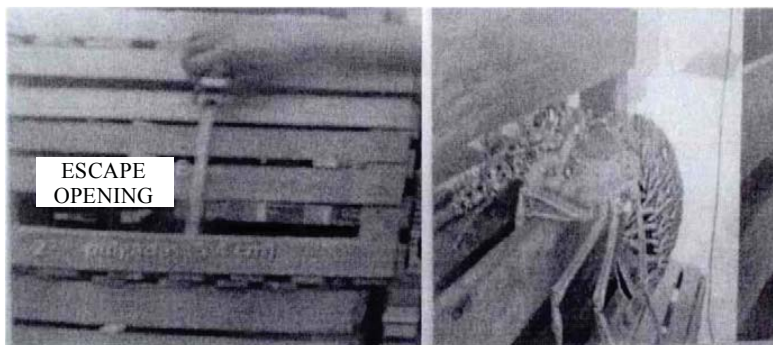
The above does not represent an obstacle to such activities as long as the difference is paid.

5.1 Fishing Technique

The techniques to be used are those that are implemented in the zones stipulated for extraction activities for fishery resources, wooden traps (2,500 units per activity), with the characteristics of these specified in the note below. The techniques to be used for capture of white fish will be hand line only (nylon).

> Note.

The design used consists of a rigid structure, with the four faces or covers being lined with wood in the form of slats 2 inches wide and 70 centimeters long. Between adjacent slats a space of at least 1½", 2", or 2¼" is left open. In order for the trap to be used there must be at least one escape gap on the side opposite the one by which the trap is lifted, with an escape opening of 2-1/8 inches (5.4 centimeters) between the base and the first slat immediately above the floor of the trap, in order to ensure that juvenile lobsters can exit the traps. **It is technically viable as long as they comply with the regulations on construction of the traps.**



Source: Practical guide for application of regulation osp-02-09 for regional legislation on the spiny lobster (*Panulirus argus*) fishery in the Caribbean and the monitoring plan.

5.2 Fishing Zone

This includes all of the banks (Roncador, Serrana and Quitasueño, and Serranilla) and Shoals (Alicia and Nuevo), and the zone where fishing is permitted by the laws, which includes our island territory and authorized fishing zones. However, the protected zones and the department's fishing regulations (traditional zone) must be respected. **It is technically viable as long as the department's regulations and laws and the legislation on fishing grounds are all complied with.**

5.3 Port for Unloading

In compliance with the provisions established in Article 39 of Law 47 of 1993, 100% of the product must be unloaded on the Island of San Andrés. For importing or exporting, the Department's Secretariat of Agriculture in Fishing must be notified regarding the product's destination and means of transport.

6. Decision and Recommendations

Based upon the contents expressed above, it is considered **technically viable to authorize DISAFFILIATION of the motorized vesse! FAIR WINDS and AFFILIATION of the motorized vesse! CAPT. GIOVANNI, maintaining the fleet (Fishing Effort) and taking into account the conditions for reporting on the resources exploited.** The following is recommended:

- Mr. **ANDRES LUGO VINCHIRA** or the **MARITIME AGENT** will have the duty to provide timely notification regarding arrival of the affiliated motorized vessels. Notification of the arrival must be verbal and in writing and provided to the Department's Secretariat of Agriculture and Fishing.
- The vessel must comply with the zoning from the system of Protected Marine Areas (Seaflower), established by the Corporation for Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina (the CORALINA in Spanish), and must refrain from operating in any areas exclusively dedicated to traditional fishing by means of JUNDEPESCA Agreement No. 004 of 2008 and its amendments.

[initials]

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- The vessel must refrain from fishing for products not authorized in the fishing license, and it must comply with Resolution No. 003333 of September 24, 2008 issued by the Colombian Institute of Agriculture and Livestock (the ICA in Spanish), which prohibits fishing that targets sharks in the waters of the archipelago.
- The lobster traps must comply with the characteristics requiring at least one escape gap, located on the side opposite the one by which the trap is lifted, with an escape opening of 2-1/8 inches (5.4 cm) between the base and the first slat immediately above the floor of the trap, in order to ensure that juvenile lobsters can exit from the traps.
- To refrain from carrying divers for activities where their presence is not necessary, since the extraction of the resources (Lobster and White Fish) and method is entirely by use of manual or mechanical techniques (hand line and reel), winches (traps).

B) **Legal opinion dated August 25, 2015**; the following observations are presented:

GENERAL OBSERVATIONS:

At the time of the request for affiliation, the motorized vessel CAPT GEOVANIE was affiliated to the fishing fleet of the holder of Industrial Commercial Fishing permit Mr. Juan Enrique Archbold, and it was not until August 10th that Resolution No. 003767 was issued, which authorized disaffiliation of that vessel.

LEGAL CONSIDERATIONS

Article 28 of Law 915 of 2004 establishes that the Departmental Fishing and Aquaculture Board (JUNDEPESCA) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina must carry out the duties established in Article 34 of Law 47 of 1993.

In order to streamline and allow timely and efficient processing of requests for extending the period of validity and for making other modifications to permits for commercialization of fishery products, for industrial commercial fishing, and for comprehensive permits related to fishing fleets, the Department's Fishing and Aquaculture Board, by means of Article 1.3 of Agreement 002 of January 24, 2007, has expressly delegated to the President of JUNDEPESCA "the authority to modify permits for Industrial Commercial Fishing and Comprehensive Industrial Commercial Fishing in relation to changes to fishing fleets (affiliations, replacements, name changes, flag changes, and similar)."

The Technical Secretary of JUNDEPESCA must be notified in writing regarding any change of a legal or operational nature in the request, so that the corresponding modification can be made in compliance with the regulations in effect.

Article 13 of Agreement No. 009 of 02, 2003 [sic], issued by INCODER, establishes the requirements that permit holders must comply with for AFFILIATION, DISAFFILIATION and replacement of vessels. In reference to disaffiliation, numeral 2 established that the respective application must be submitted and the requester must be current with all obligations related to taxes and fees, reports, etc.; and for affiliation, the request must be submitted with a copy of the vessel's registration attached, and if the requester is not the vessel's owner then a copy of the affiliation contract must be attached, and the applicant must be current with all obligations, and an activities plan must be included.

With the file having been examined, it is established that the corporation COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "C.I. ANTILLANA S.A." is current with its annual payment of taxes and fees corresponding to the period of 2015-2016, thereby complying with the cited Agreement, and that the respective request included the documentation required for affiliation, which therefore means that acceptance of the permit holder's request is viable.

Furthermore, according to technical report No. 02 dated August 19, 2015, signed by the Fishing Engineer contracted by the Department of the Archipelago's Secretariat of Agriculture and Fishing, it was considered as technically viable to authorize DISAFFILIATION of the motorized vessel FAIR WINDS and AFFILIATION of the motorized vessel CAPT GEOVANIE.

[initials]

CONCLUSIONS

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It is legally viable to accept the request for disaffiliation of the Honduran-flagged motorized vessel **FAIR WINDS** and simultaneous affiliation of the Honduran-flagged motorized vessel **CAPT GEOVANIE**, in conformity with the contents expressed above.

With the decision stated above having been reached, the President of the Departmental Fishing and Aquaculture Board (JUNDEPESCA) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina

HEREBY RESOLVES

ARTICLE ONE: TO AUTHORIZE DISAFFILIATION of the Honduran-flagged motorized vessel **FAIR WINDS** from the fishing fleet of the permit holder COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "**C.I. ANTILLANA S.A.**", with the company's legal representative being Mr. **ANDRES LUGO VINCHIRA**, given the contents expressed above in the present administrative resolution explaining the grounds for the decision.

ARTICLE TWO: TO AUTHORIZE AFFILIATION of the Honduran-flagged motorized vessel **CAPT GEOVANIE** with the fishing fleet of the permit holder COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "**C.I. ANTILLANA S.A.**", which holds the Comprehensive Industrial Commercial Fishing permit, and with that company's legal representative being Mr. **ANDRES LUGO VINCHIRA**, given the contents expressed above in the present administrative resolution explaining the grounds for the decision.

ARTICLE THREE: The permit holder **IS HEREBY ORDERED** to comply with the following technical recommendations:

- a. Mr. ANDRES LUGO VINCHIRA or the MARITIME AGENT will have the duty to provide timely notification regarding arrival of the affiliated motorized vessels. Notification of the arrival must be verbal and in writing and provided to the Department's Secretariat of Agriculture and Fishing.
- b. The vessel must comply with the zoning from the system of Protected Marine Areas (Seaflower), established by the CORALINA, and must refrain from operating in any areas exclusively dedicated to traditional fishing by means of JUNDEPESCA Agreement No. 004 of 2008 and its amendments.
- c. The vessel must refrain from fishing for products not authorized in the fishing license, and it must comply with Resolution No. 003333 of September 24, 2008 issued by the Colombian Institute of Agriculture and Livestock (the ICA in Spanish), which prohibits fishing that targets sharks in the waters of the archipelago.
- d. The lobster traps must comply with the characteristics requiring at least one escape gap, located on the side opposite the one by which the trap is lifted, with an escape opening of 2-1/8 inches (5.4 cm) between the base and the first slat immediately above the floor of the trap, in order to ensure that juvenile lobsters can exit from the traps.
- e. The vessel must refrain from carrying divers for activities where their presence is not necessary, since the extraction of the resources (Lobster and White Fish) and method is entirely by use of manual or mechanical techniques (hand line and reel), winches (traps).

ARTICLE FOUR: The fishing fleet, as a result of DISAFFILIATION of the motorized vessel **FAIR WINDS** and simultaneous affiliation of the motorized vessel **CAPT GEOVANIE** for the fishing fleet of the permit holder COMERCIALIZADORA INTERNACIONAL ANTILLANA S.A. "**C.I. ANTILLANA S.A.**" continues to consist of SEVENTEEN (17) vessels:

No.	Motorized Vessel	Flag	Type and Fishery	Fishing Technique
1	CAPITANA	Honduras	Lobster and White Fish	Trap
2	AMEX I	Honduras	Lobster and White Fish	Trap
3	CAP. JARED	Nicaragua	Lobster and White Fish	Trap
4	MISS DOLORES	Tanzania	Lobster and White Fish	Trap
5	LADY CHAMP	Honduras	Lobster and White Fish	Trap
6	MISS SHAKIRA	Honduras	Lobster and White Fish	Trap

[initials]

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7	LADY AIMEE	Nicaragua	Lobster and White Fish	Trap
8	MISS SATISHAI	Honduras	Lobster and White Fish	Trap
9	CAPITAN LARRY	Honduras	Lobster and White Fish	Trap
10	LUCKY LADY	Honduras	Lobster and White Fish	Trap
11	JOHNY CRHISTINE	Honduras	Lobster and White Fish	Trap
12	ARLIE JUNIOR	Honduras	Lobster and White Fish	Trap
13	ABRACADABRA	Dominican Republic	Lobster and White Fish	Trap
14	RIBES	Colombia	Lobster and White Fish	Trap
15	CAPT NAIIGGER	Honduras	Lobster and White Fish	Trap
16	CAPT GEOVANIE	Honduras	Lobster and White Fish	Trap

ARTICLE FIVE: Annual value of the Taxes and Fees: According to the provisions established Article 4.2 of Agreement 005 of 2003, since the permit holder's fishing fleet is Honduran flagged, the permit holder has a period of five (5) business days, counted beginning on July nineteen (19) to make the annual payment of Taxes and Fees, in an amount equivalent to four hundred and forty (440) of the minimum daily salaries in legal effect.

The amount of money referred to in the present numeral must be deposited into current account No. 085502370-1 held in the name of "Convenio Gobernación INPA 023" at the San Andrés Island branch of the Banco de Occidente bank. Once the cited amount has been deposited, a legible copy of the corresponding payment receipt must be submitted to the Secretariat of Agriculture and Fishing of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

ARTICLE SIX: On an annual basis, the Board's Technical Secretary will review and adjust the value of the taxes established in the present resolution and will exercise ongoing oversight to verify the permit holder's compliance with the obligations contracted.

ARTICLE SEVEN: The permit holder is hereby notified that when the motorized vessel belonging to its fishing fleet carries out fishing activities in the authorized fishing grounds in the area of the Department of San Andrés, Providencia and Santa Catalina, it has the obligation to first enter port on the Island of San Andrés for inspection by the corresponding authorities, and failure to do so may lead to application of the corresponding administrative penalties.

Paragraph: The permit holder's fishing fleet must comply with the zoning of protected marine areas established by the Corporation for Sustainable Development (**CORALINA**), and may not carry out fishing activities in the areas exclusively dedicated to traditional fishing. The permit holder is therefore being notified that it may NOT carry out fishing activities on the Alburquerque Bank and Courtdown Bank, according to the contents established in Agreement No. 004 of August 08, 2005, issued by the Department's Fishing and Aquaculture Board (JUNDEPESCA).

ARTICLE EIGHT: In compliance with the provisions found in Article 39 of Law 47 of 1993, the permit holder must unload a minimum of 10% of the fishery resources in the territory of the Archipelago of San Andrés, for internal consumption or commercialization.

ARTICLE NINE: All other applicable conditions and obligations continue to be those taken on under the Resolutions for granting and extension of the permit, which must be observed and complied with as part of the present Resolution.

ARTICLE TEN: It is hereby ordered that the interested party and/or that party's duly established legal representative must be personally notified of the contents of the present Resolution. This task must be performed by the Secretariat of Agriculture and Fishing, with a full copy delivered to the user at no cost. Furthermore, the permit holder is hereby notified that an appeal for reconsideration can be brought against the present decision before the President of the Department's Fishing and Aquaculture Board (JUNDEPESCA), which must be filed within ten (10) business days following the date of the notification.

[initials]

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ARTICLE ELEVEN: The present Resolution takes effect as of the date of its issuance.

NOTIFICATION AND IMPLEMENTATION IS HEREBY ORDERED.

Issued on the Island of San Andrés on [stamp:] **SEP 01, 2015**

[signature]
AURY GUERRERO BOWIE
President of JUNDEPESCA

[signature]
SILVIA MONTOYA DUFFIS
Secretary of Agriculture and Fishing

Produced by: W. Rodriguez/Contractor at the Secretariat of Agriculture and Fishing (SAP in Spanish)
Reviewed and Approved: A. Connolly/ Head of the Office of Legal Counsel (OAJ in Spanish)

ANNEX 14

General Maritime Directorate, Resolution No. 4780
(24 September 2015)

[coat of arms:] SAN ANDRES AND PROVIDENCIA ISLANDS

GOVERNMENT

of the Department of the Archipelago of San Andrés,
Providencia and Santa Catalina

Seaflower Biosphere Reserve

NIT [Tax ID Number]: 892400038-2

RESOLUTION NUMBER [stamp:] - **004780** -

([stamp:] **24 SEP 2015**)

“Which issues a decision on admissibility of a request”

The undersigned (acting) Governor of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, in his capacity as President of the Departmental Fishing and Aquaculture Board (JUNDEPESCA) of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, and in exercise of the authorities granted by means of Law 47 of 1993, Law 915 of 2004, Agreement No. 002 of January 24, 2007, and all other associated provisions on the subject, and

WHEREAS

By means of Resolution No. 000397 of October 19, 1998, Colombia's NATIONAL INSTITUTE OF FISHING AND AQUACULTURE (INPA) granted an Industrial Commercial Fishing Permit to Ms. **VIANOVA FORBES JAMES**, who was identified using citizen identity card No. 39.150.129 from San Andrés Island, in her capacity as owner of the commercial establishment **PESQUERA SERRANILLA**, which is registered with the San Andrés and Providencia Chamber of Commerce under number 00004619. The validity of that permit was later extended by means of Resolution No. 0662 of September 24, 2003, which was amended by Resolution No. 00637 dated April 21, 2004; Resolution No. 00020 of December 22, 2008; and Resolution No. 002145 of May 16, 2014.

By means of a request received by this Office on June 19, 2015, with filing number [No. de Rad.] (ENT): 15787, Ms. **VIANOVA FORBES JAMES**, who was identified using citizen identity card No. 39.150.129 from San Andrés Island, in her capacity as owner of the commercial establishment **PESQUERA SERRANILLA**, which is registered with the San Andrés and Providencia Chamber of Commerce under number 00004619, requested AFFILIATION of the Honduran-flagged motorized vessel **THE SAGA** to her fishing fleet.

Article 13 of Agreement No. 009 of October 2, 2003, issued by the INCODER [Colombian Institute of Rural Development], establishes the requirements that permit holders must comply with for AFFILIATION, disaffiliation, and replacement of vessels.

In relation to affiliation, numeral 1 establishes the following requirements:

- a) To submit the corresponding request.
- b) To attach a copy of the vessel's registration, and if the requester is not the vessel's owner then a copy of the corresponding affiliation or chartering contract must also be attached.
- c) To be current with all obligations in relation to the INCODER (taxes, fees, reports, payment of fines, and others).
- d) To attach the activities plan, produced and signed by one of the professionals described in article 4 of the cited agreement, and in compliance with the requirements indicated there.

For such purposes, the requester has provided the following information and/or documentation, in conformity with Agreement No. 009 of 2003 and in agreement with Resolution No. 0601 of August

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- Certificate from the Chamber of Commerce dated 06/18/2015.
- Photocopy of the final navigation license for the motorized vessel, issued by the General Office of the Merchant Marine of the Republic of Honduras.

By means of a document with ENT: 23653 dated 09/14/2015, the permit holder submitted the remaining documentation to allow for processing of her request.

- Affiliation Contract for the motorized vessel THE SAGA.
- Record of the final navigation license for the motorized vessel THE SAGA.
- Photocopy of the power-of-attorney letter signed by the owner of the motorized vessel THE SAGA.
- Photocopy of the citizen identity card of Mr. Sánchez García Hernán, the attorney-in-fact.
- Payment receipt for performance of the visual inspection.

By means of the memorandums dated September 17, 2015 and signed by the contracted Technician and the Fishing Engineer acting on behalf of the Secretariat of Agriculture and Fishing, it is being reported that the permit holder **VIANOVA FORBES JAMES** is current with payment of Taxes and Fees for the period of 2015-2016, as well as with submittal of the annual and quarterly reports.

After the documentation provided and the contents of the activities plan had been reviewed, the Fishing Engineer acting on behalf of the Secretariat of Agriculture and Fishing of the Department of the Archipelago submitted the corresponding Technical Evaluation. An opinion was then issued by means of Technical Report No. 04 dated September 16, 2015, establishing the technical *viability* of affiliation of the motorized vessel **THE SAGA**, maintaining the fleet and taking into account the conditions for reporting of the resources exploited.

<p>A) Technical Report No. 04 dated September 16, 2015.</p>
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2. DOCUMENTATION:

The documentation approved for the requester was reviewed (which consisted of the activities plan, certificate showing existence of Legal Representation issued by the Chamber of Commerce, the fishing vessel affiliation contract (Ent 23653 of 09/14/2015), certificate of registration for the vessel, and a photocopy of the professional Biologist card).

3. VALIDITY OF THE PERMIT:

Taking into account Law 47 of 1993 and Law 915 of 2004, the Departmental Fishing and Agriculture Board "JUNDEPESCA" granted Ms. **VIANOVA FORBES JAMES**, who is the Legal Representative of the commercial establishment named PESQUERA SERRANILLA, an Industrial Commercial Fishing Permit for a period of 5 years, and by means of Resolution No. 002145 of May 16, 2014, an extension was granted for 5 more years, taking into account that:

The National Aquaculture and Fishing Authority (AUNAP) has granted by means of the National Aquaculture and Fishing Authority (AUNAP), and the Ministry of Agriculture and Rural Development has granted by means of Resolution No. 00001845 of December 13, 2014, the overall fishing quotas in the maritime spaces under Colombia's jurisdiction. For the present period of validity, the overall quota for lobster and fish is distributed proportionally between industrial and traditional fishing, maintaining the levels established for 2015, as follows:

- Overall Quota for lobster: 150 metric tons for the 2015 validity period, of which 135 metric tons are assigned to industrial fishing and 15 metric tons to traditional fishing, with no reserve quota.
- Overall Quota for scaled fish: 895 metric tons for the 2015 validity period, of which 581 metric tons of fish are assigned to industrial fishing and 269 metric tons to traditional fishing, with a

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- Overall Quota for QUEEN CONCH: 16 metric tons cleaned for the 2015 validity period, which was assigned exclusively to Traditional Fishing for the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

4. TYPE OF FISHING:

The motorized vessel **THE SAGA** will be dedicated to extraction of the specific species of crustacean known as spiny lobster (*Panulirus argus*) as its main fishing activity, and as a secondary fishing activity, extraction of species of fish, both pelagic (surface and mid-depth) and demersal, which are of commercial importance in the region, and which include as examples that can be mentioned, *jureles* (*Carangidae*) [horse mackerel], *pelao* (*Balistidae*) [triggerfish], *dorado* (*Coryphaenidae*) [mahimahi], *roncos* and *margarita* (*Haemulidae*) [grunts], *pargo* (*Lutjanidae*) [snappers], *sierras* and *atunes* (*Scombridae*) [bonito and tuna], *barracudas* (*Sphyraenidae*) [barracuda], and *meros* and *chernas* (*Serranidae*) [sea bass and groupers].

4.1 Fishing Vessel Fleet:

The characteristics of the motorized vessel **THE SAGA** are those seen in table 1.

Table 1.

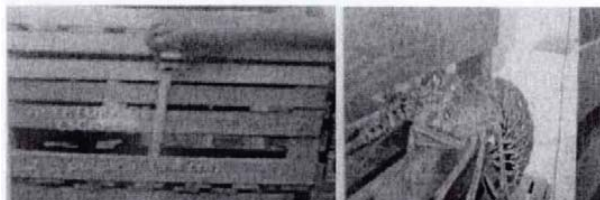
Characteristic	THE SAGA
Registration	U-1326659
Length (feet)	73.20
Beam (feet)	22.30
Hull Material	Naval Steel
Gross Tonnage (ton)	129
Net Tonnage (ton)	88
Engine power (hp)	365

Note: One detail worth noting is that the characteristics of the vessel **THE SAGA** technically correspond to a motorized vessel with high navigation autonomy and a storage capacity for fishery products, and it therefore must be taken into account that the permit holder's fleet is not increasing in terms of fishing effort (number of vessels).

4.2 Fishing Techniques:

The techniques to be used are those implemented in industrial fishing zones, with the following stipulations for the extraction activities for fishery resources:

- ✓ For Crustaceans, 2,500 wooden lobster traps with the following characteristics will be employed: the design used consists of a rigid structure, with the four faces or covers being lined with wood in the form of slats 2 inches wide and 70 centimeters long. Between adjacent slats a space of at least 1½", 2", or 2¼" is left open. In order for the trap to be used there must be at least one escape gap on the side opposite the one by which the trap is lifted, with an escape opening of 2-1/8 inches (5.4 cm) between the base and the first slat immediately above the floor of the trap, in order to ensure that juvenile lobsters can exit the traps. It is technically viable as long as they comply with the regulations on construction of the traps.



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Source: Practical guide for application of regulation osp-02-09 for regional legislation on the spiny lobster (*Panulirus argus*) fishery in the Caribbean and the monitoring plan.

The technique used for the associated fishing will be only nylon or cable with a strength of 300 to 400 pounds, with fishhooks of different calibers attached depending on the species to be captured.

5. FISHING ZONE:

This includes all of the banks (Roncador, Serrana and Quitasueño, and Serranilla) and Shoals (Alicia and Nuevo), and the area known as the *la esquina* or *luna verde*, which includes our island territory and fishing zones. However, the protected zones, the department's fishing regulations, and the legislation on fishing must be respected.

5.1 Port of Unloading:

100% of the capture must be unloaded on San Andrés Island.

6. TECHNICAL OPINION AND RECOMMENDATIONS:

In conformity with the contents above, and once the visit for the technical visual inspection has taken place (payment record 19982693 from the Banco de Occidente bank), it is considered to be technically viable to authorize affiliation of the motorized vessel THE SAGA, and the following recommendations are being made:

- Ms. **VIANOVA FORBES JAMES** must comply with the requirements established by the Secretariat and the Departmental Fishing Board, which include submission of the annual report and quarterly reports for the totality of fishery products extracted or imported and provision of timely notification of the arrival of the motorized vessels affiliated with her permit. Notification of the arrival must be verbal and in writing and provided to the Department's Secretariat of Agriculture and Fishing.
- The motorized vessel **THE SAGA** must comply with the zoning from the system of Protected Marine Areas (Seaflower), established by CORALINA [the Corporation for Sustainable Development of the Archipelago of San Andrés, Providencia and Santa Catalina], and must refrain from operating in any areas exclusively dedicated to traditional fishing by means of JUNDEPESCA Agreement No. 004 of 2008, and all other regulations related to fishing.
- The motorized vessel **THE SAGA** must refrain from fishing for products not authorized in the fishing license, and it must comply with Resolution No. 003333 of September 24, 2008 issued by the ICA [Colombian Institute of Agriculture and Livestock], which prohibits fishing that targets sharks in the waters of the archipelago.
- The lobster traps must comply with the characteristics requiring at least one escape gap, located on the side opposite the one by which the trap is lifted, with an escape opening of 2-1/8 inches (5.4 cm) between the base and the first slat immediately above the floor of the trap, in order to ensure that juvenile lobsters can exit from the traps.
- To comply with the stipulations found in Resolution #003113 of August 10, 2009, which assigns the number of pangas [small open boats] for industrial vessels with authorization pending. In such cases, only 2 pangas may be transported.

B) Legal opinion dated September 17, 2015; the following observations are presented:

1. GENERAL OBSERVATIONS:

By means of the document dated June 19, 2015, with filing number ENT: 15787, Ms. **VIANOVA FORBES JAMES**, holder of the Industrial Commercial Fishing Permit, requested **AFFILIATION** of the Honduran-flagged motorized vessel **THE SAGA**

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At the time of the request for affiliation, the motorized vessel **THE SAGA** was affiliated with the fishing fleet of the holder of the Comprehensive Fishing Permit CI ANTLANA S.A., but it was disaffiliated by means of Resolution No. 004084 dated August 21, 2015, and therefore the documentation submitted by the requester was analyzed in relation to the corresponding affiliation of the M/N [motorized vessel] THE SAGA.

For such purposes, the requester submitted the following documentation along with the cited document:

- *Written request from the permit holder*
- *Activities plan with annexes and a photocopy of the Marine Biologist Registration of Clinton Pomare James*
- *Certificate of commercial registration by the Chamber of Commerce, issued within the last 90 days*
- *Copy of the expired Navigation License*

By means of the document dated September 14, 2015, with filing number ENT: 23653, the permit holder provided the remaining documentation according to the requirements found in Articles 85 and 86 of Regulatory Decree 2256 of 1991 and Articles 2, 3.1, and 7.1 of Agreement No. 009 of 2003, in agreement with Resolution No. 0601 of August 23, 2012, issued by the AUNAP, which consisted of:

- *Affiliation Contract.*
- *A copy of the power-of-attorney document granted by the owner of the M/N THE SAGA to Mr. Hernán Sánchez, who is acting in representation of the owner*
- *A copy of the attorney-in-fact's citizen identity card.*
- *The valid Navigation License*
- *Payment receipt for performance of the visual inspection visit*

3. LEGAL CONSIDERATIONS

Article 28 of Law 915 of 2004 establishes that the Departmental Fishing and Aquaculture Board of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina must carry out the duties established in Article 34 of Law 47 of 1993.

In order to streamline and allow timely and efficient processing of requests for extending the period of validity and for making other modifications to permits for commercialization of fishery products, industrial commercial fishing, and comprehensive permits related to the fishing fleet, the Department's Fishing and Aquaculture Board, by means of Article 1.3 of Agreement 002 of January 24, 2007, has expressly delegated to the President of JUNDEPESCA "the authority to modify permits for Industrial Commercial Fishing and Comprehensive Industrial Commercial Fishing in relation to changes to fishing fleets (affiliations, replacements, name changes, flag changes, and similar)."

The Technical Secretary of JUNDEPESCA must be notified in writing regarding any change of a legal or operational nature in the request, so that the corresponding modification can be made in compliance with the regulations in effect.

Article 13 of Agreement No. 009 of 02, 2003 [sic], issued by the INCODER, establishes the requirements that permit holders must comply with for AFFILIATION of vessels. For affiliation, the request must be submitted with a copy of the vessel's registration attached, and, if the requester is not the vessel's owner, then a copy of the affiliation contract must be attached, and the applicant must be current with all obligations, and an activities plan must be included.

By means of the memorandums dated September 17, 2015 and signed by the contracted Technician and the Fishing Engineer acting on behalf of the Secretariat of Agriculture and Fishing, it is being reported that the permit holder **VIANOVA FORBES JAMES** is current with her payment of Taxes and Fees for the period of 2015-2016, as well as with submittal of her annual and quarterly reports, thereby complying with Agreement No. 009 of 2003. She has also included with the request the corresponding documentation required for the affiliation, and it is therefore viable to accept the permit

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Furthermore, according to technical report No. 04 dated September 16, 2015, signed by a professional working on behalf of the Secretariat of Agriculture and Fishing of the Department of the Archipelago, it was considered to be technically viable to authorize AFFILIATION of the motorized vessel THE SAGA.

4. CONCLUSIONS

It is legally **viable** to accept the request for affiliation of the Honduran-flagged motorized vessel **THE SAGA**, in conformity with the contents expressed above.

In order to streamline and allow timely and efficient processing of requests for extending the period of validity and for making other modifications to permits for commercialization of fishery products, for industrial commercial fishing, and for comprehensive permits related to the fishing fleet, the Department's Fishing and Aquaculture Board (JUNDEPESCA), by means of Article 1.3 of Agreement 002 of January 24, 2007, has expressly delegated to the President of **JUNDEPESCA** "*the authority to modify permits for Industrial Commercial Fishing and Comprehensive Industrial Commercial Fishing in relation to changes to fishing fleets (affiliations, replacements, name changes, flag changes, and similar).*"

The Technical Secretary of JUNDEPESCA must be notified in writing regarding any change of a legal or operational nature in the request, so that the corresponding modification can be made in compliance with the regulations in effect.

With the decision stated above having been reached, the President of the Departmental Fishing and Aquaculture Board of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina (JUNDEPESCA),

HEREBY RESOLVES

ARTICLE ONE: TO AUTHORIZE AFFILIATION of the Honduran-flagged motorized vessel **THE SAGA** to the fishing fleet of the Industrial Commercial Fishing permit holder Ms. **VIANOVA FORBES JAMES**, who was identified by citizen identity card No. 39.150.129 from San Andrés Island, given the contents expressed above in the present administrative resolution explaining the grounds for the decision.

ARTICLE TWO: The permit holder **IS HEREBY ORDERED** to comply with the following technical recommendations:

- Ms. **VIANOVA FORBES JAMES** must comply with the requirements established by the Secretariat and the Departmental Fishing Board, which include submission of the annual report and quarterly reports for the totality of fishery products extracted or imported and the provision of timely notification of the arrival of the motorized vessels affiliated with her permit. Notification of the arrival must be verbal and in writing and provided to the Department's Secretariat of Agriculture and Fishing.
- The motorized vessel **THE SAGA** must comply with the zoning from the system of Protected Marine Areas (Seaflower), established by the CORALINA, and must refrain from operating in any areas exclusively dedicated to traditional fishing by means of JUNDEPESCA Agreement No. 004 of 2008, and must comply with all other regulations related to fishing.
- The motorized vessel **THE SAGA** must refrain from fishing for products not authorized in the fishing license, and it must comply with Resolution No. 003333 of September 24, 2008 issued by the ICA, which prohibits fishing that targets sharks in the waters of the archipelago.
- The lobster traps must comply with the characteristics requiring at least one escape gap, located on the side opposite the one by which the trap is lifted, with an escape opening of 2

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- To comply with the stipulations found in Resolution #003113 of August 10, 2009, which assigns the number of pangas (small open boats) for industrial vessels with authorization pending. In such cases, only 2 pangas may be transported.

ARTICLE THREE: On the fishing fleet; as a result of AFFILIATION of the motorized vessel **THE SAGA**, the permit holder's fishing fleet consists of one (1) vessel with the following characteristics:

Characteristic	THE SAGA
Registration	U-1326659
Length (feet)	73.20
Beam (feet)	22.30
Hull Material	Naval Steel
Gross Tonnage (ton)	129
Net Tonnage (ton)	88
Engine power (hp)	365

ARTICLE FOUR: Annual value of the Fees and Taxes: According to the provisions established in Article 4.2 of Agreement 005 of 2003, the permit holder's fishing fleet is foreign flagged, since the motorized vessel is operated under the flag of Honduras.

Payment of the taxes must take place within five (5) business days after June eighteenth (18th), since this time period corresponds to the final date for granting and/or extension of the permit, with the value being equivalent to seventy-five (75) of the minimum daily salaries legally in effect.

The amount of money referred to in the present numeral must be deposited into current account No. 085502370-1 held in the name of Convenio Gobernación INPA 023 at the San Andrés Island branch of the Banco de Occidente bank. Once the cited amount has been deposited, a legible copy of the corresponding payment receipt must be submitted to the Secretariat of Agriculture and Fishing of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

ARTICLE FIVE: On an annual basis, the Board's Technical Secretary will review and adjust the value of the taxes established in the present resolution and will exercise ongoing oversight to verify the permit holder's compliance with the obligations contracted.

ARTICLE SIX: The permit holder is hereby notified that when the motorized vessel belonging to her fishing fleet carries out fishing activities in the authorized fishing grounds in the area of the Department of San Andrés, Providencia and Santa Catalina, it has the obligation to first enter port on the Island of San Andrés for inspection by the corresponding authorities, and failure to do so may lead to application of the corresponding administrative penalties.

Paragraph. The permit holder's fishing fleet must comply with the zoning of protected marine areas established by the Corporation for Sustainable Development (the **CORALINA**), and it may not carry out fishing activities in the areas exclusively dedicated to traditional fishing; the permit holder is therefore being notified that she may NOT carry out fishing activities on the Albuquerque Bank and Countdown Bank, according to the contents established in Agreement No. 004 of August 08, 2005, issued by the Department's Fishing and Aquaculture Board JUNDEPESCA.

ARTICLE SEVEN: In compliance with the provisions found in Article 39 of Law 47 of 1993, the permit holder must unload a minimum of 10% of the fishery resources in the territory of the Archipelago of San Andrés, for internal consumption or commercialization.

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ARTICLE NINE: It is hereby ordered that the interested party and/or that party's duly established attorney-in-fact must be personally notified of the contents of the present Resolution. This task must be performed by the Secretariat of Agriculture and Fishing, with a full copy delivered to the user at no cost. Furthermore, the permit holder is hereby notified that an appeal for reconsideration can be brought against the present decision before the President of the Department's Fishing and Aquaculture Board (JUNDEPESCA), which must be filed within ten (10) business days following the date of the notification.

ARTICLE TEN: The present Resolution takes effect as of the date of its issuance.

NOTIFICATION AND IMPLEMENTATION IS HEREBY ORDERED.

Issued on the Island of San Andrés on [stamp:] 24 SEP 2015

[signature]

**CHARLES LIVINGSTON
LIVINGSTON**

(Acting) President of JUNDEPESCA

[signature]

SILVIA MONTOYA DUFFIS

Technical Secretary of JUNDEPESCA

Draft produced by: S. Alarcon L.
Revised by: W. Rodriguez
Approved by: A. Connolly/ OAJ [Office of Legal Counsel]

ANNEX 15

General Maritime Directorate, Resolution No. 2465
(30 June 2016)



**SAN ANDRES AND PROVIDENCIA ISLANDS
GOVERNMENT**

of the Department of the Archipelago of San Andrés,
Providencia and Santa Catalina
Seaflower Biosphere Reserve

Tax ID Number: 892.400.038-2

Resolution No. [stamp:] - **002465 -**
([stamp:] **JUN 30, 2016**)

“Which modifies Resolution 001514 of April 5, 2006, which orders registration of Traditional Commercial Fishermen from the Department of the Archipelago of San Andrés, Providencia and Santa Catalina Islands in the register of fishermen from the General Register of Fishing and Aquaculture, and issuance of verification cards to them”

The Governor of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, in exercise of his legal and regulatory authorities as described in Law 47 of 1993, Law 915 of 2004, and all other associated provisions, and;

WHEREAS

Article 33 of Law 47 of 1993 delegated duties exercised by Colombia’s National Institute of Fishing and Aquaculture (INPA) to the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

By means of article 26 of Law 915 of 2004, the Congress of the Republic established support for traditional fishing activities as a priority for the National Government, along with training of traditional fishermen from the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

Since the year 2000, and in compliance with the mandate described in article 56.5 of Law 13 of 1990, the Department of the Archipelago of San Andrés, Providencia and Santa Catalina has been making progress on a card issuance process for Traditional Commercial Fishermen, with the duty to verify permanent residence in the Department of that Archipelago being added as an additional requirement based upon Decree 2762 of 1991. This led to a purging of names existing in the register of traditional commercial fishermen, although nevertheless many residents not involved in such activities remained included in that register.

The *de facto* situations described have made it difficult to appropriately execute the policies on promotion of traditional fishing, as well as other planning for that industry and investment, training, and technical assistance. This has produced a clear need to jointly implement, along with the cooperatives and associations focused on traditional fishing, the process for issuing cards to individuals dedicated to such activities, along with review of the cards that have already been issued and that remain valid, including purging of inappropriate ones.

According to the provisions established in article 56 of Law 13 of 1990, the INPA must organize and maintain the General Register of Fishing and Aquaculture, which must include registration entries for:

“(…)

5. fishermen who provide services on commercial fishing vessels.

[initials]

“Continuation of Resolution No. [stamp:] - 002465 - of [stamp:] JUN 30, 2016”

According to the contents of article 57 of Law 13 of 1990, the General Register of Fishing and Aquaculture is administrative in nature, and therefore the registration of entries is mandatory, and their omission must be sanctioned according to the regulations issued for such purposes by the National Government in further development of the present Law.

Article 63, Paragraph 3 of Decree 2256 of 1991 establishes that the Traditional Commercial Fishing Permit for individuals must be granted by means of issuance of a card that identifies the fisherman, and which must contain the information the INPA considers necessary (in the case of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, the entity responsible for this determination will be the Department’s Fishing and Aquaculture Board, known in Spanish as JUNDEPESCA). The period of validity for this permit may be up to five (5) years.

Given the current conditions, appropriate planning in the industry and execution of more effective policies remains difficult, since it is not possible to use the existing Register to appropriately identify the target population for the programs and projects.

As of the present date there is no reliable Register system for traditional fishermen, which makes it difficult to perform adequate planning in the industry or to execute policies to promote traditional commercial fishing in the Department of the Archipelago of San Andrés, Providencia and Santa Catalina Islands. This is due to the undemanding requirements for entry into the register of traditional fishermen, which make it easy for people who are not involved in traditional fishing activities to become registered there.

Resolution 1514 of 2006 has been in effect for ten (10) years without being subject to any modifications, which makes it an ineffective resolution given the new social realities.

In order to strengthen execution of the policies existing on the fishing industry, there is an urgent need to review and organize the Register of Traditional Fishermen for the Department of the Archipelago, including purging of inappropriate entries.

A draft version of the present Resolution was submitted to the Department’s Fishing and Aquaculture Board (JUNDEPESCA), and it was unanimously approved.

As a result of this, the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, by means of the present resolution, must establish the requirements that must be met by individuals dedicated to traditional commercial fishing activities in its area of jurisdiction, for purposes of allowing their entry into the Register of Fishermen from the General Register of Fishing and Aquaculture, and for issuance of the card that verifies such status.

In view of the contents expressed above:

IT IS HEREBY RESOLVED

ARTICLE ONE. Definition: According to the provisions established in article 59 of Law 13 of 1990, article 12 of Decree 2256 of 1991, and article 32 of Law 915 of 2004, a Traditional Commercial Fisherman is understood to be any person who is habitually dedicated to the extraction of fishery resources, whether in an individual capacity or when organized into businesses, cooperatives, or other forms of association, using his personal, independent labor, and using legal fishing gear and methods associated with small-scale productive activity and low-intensity systems, techniques, and methods.

ARTICLE TWO. Requirements: A person whose activities fit the definition of those of a traditional commercial fisherman, as established in this Resolution, must be entered in the Register of

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Fishermen from the General Register of Fishing and Aquaculture administered by the Department of the Archipelago of San Andrés, Providencia and Santa Catalina Islands, through the Secretariat of Agriculture and Fishing. In order to do this such persons must meet the following requirements: Obtain the application form for entry into the register of fishermen from the General Register of Fishing and Aquaculture, which is available at the Secretariat of Agriculture and Fishing of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

1. Complete the form for entry into the Register of Traditional Fishermen from the General Register of Fishing and Aquaculture.
2. Be a citizen of Colombia.
3. Submit a photocopy of the identity document.
4. Submit a photocopy of the permanent Residency Card issued by the Office of Control, Movement, and Residency (OCCRE).
5. Submit a copy of the certificate from the System for Identifying Potential Beneficiaries of Social Programs (SISBEN), issued within the last thirty (30) days.
6. Use one of the following documents to verify the habitual exercise of traditional commercial fishing activities:
 1. A sworn declaration from the president or legal representative of the association, cooperative, or union organization with which the traditional commercial fisherman is affiliated or associated, with this declaration including a statement that the applicant is a habitual traditional commercial fisherman. A sworn declaration from one of the sources named above will also be acceptable when produced on behalf of independent traditional commercial fishermen.
 2. A habitual traditional commercial fisherman not affiliated with any cooperative, association, or union organization may submit a sworn declaration from the owner(s) of the vessels aboard which the fisherman has carried out his activities during the year immediately prior to the application date. Under circumstances where the applicant has carried out his activities on multiple vessels at different times, sworn declarations must be submitted to provide evidence of a time period of at least one (1) year of dedication to work for small-scale extraction of fishery resources using low-intensity fishing systems, techniques, and methods.
 3. Certification issued by the Port Authority, stating that the applicant has been a crew member on traditional fishing vessels authorized to depart from that port for a time period of no less than one (1) year.
 4. If on the application date the applicant cannot provide evidence of having exercised the activities for a time period equal to or greater than one (1) year by means of the documents listed, a provisional card will be issued with a validity period of one (1) year. Once this has expired, the applicant must submit supplementary documentation in order to obtain final registration and issuance of the definitive card, valid for five (5) years.

PARAGRAPH 1. The application for entry into the register of fishermen from the General Register of Fishing and Aquaculture must be submitted in person by the applicant, to the Secretariat of

[initials]

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Agriculture and Fishing of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina Islands.

PARAGRAPH 2. In addition to the requirements established in Article Two of the present Resolution, for entry of a minor into the register of fishermen from the General Register of Fishing and Aquaculture, the work permit issued by the Ministry of Employment or other competent authority must also be attached, in accordance with the National Labor Code and any other regulations that may amend or complement it.

ARTICLE THREE. Entry: Once the requirements established in Article Two of this Resolution have been complied with, the Secretariat of Agriculture and Fishing will enter the applicant into the register of fishermen from the General Register of Fishing and Aquaculture and will issue him the card that verifies his status as a traditional commercial fisherman.

For purposes of the statistical monitoring activities carried out by the Department's Secretariat of Agriculture and Fishing, the card must specify whether the fisherman registered is a resident or a member of the *raizal* ethnic community.

Once the card has been granted, it will be mandatory for the traditional commercial fisherman to have it in his possession whenever carrying out fishing activities. That document may be requested by the maritime and control authorities at any time. If the fisherman does not present the card when requested to do so by a competent authority, the fisherman may be prohibited from performing such work.

ARTICLE FOUR. Rights: The person recognized as a Traditional Commercial Fisherman by means of the card is granted the right to carry out traditional fishing activities within the maritime jurisdiction of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, with the exception of any areas where fishing is excluded, prohibited, or subject to special zoning by the national or departmental authorities.

There will be no cost for initial issuance of the card for a traditional commercial fisherman, but the cost for replacement or other accessory procedures will be two (2) of the Minimum Daily Salaries in Legal Effect.

ARTICLE FIVE. Restrictions: A traditional commercial fisherman may only be affiliated with one (1) cooperative, association, or union organization of traditional fishermen from his place of his residence. If multiple affiliations are identified for a fisherman holding a card, his entry in the General Register of Fishing and Aquaculture will be voided and the card verifying that registration will be revoked.

PARAGRAPH 1. If a fisherman has had his registration voided and card revoked, re-registration will only be allowed after one (1) year has passed since the date of voiding of the initial registration, and the fisherman will have to submit a formal application for this with the Department's Secretariat of Agriculture and Fishing, and including payment of the cost for the new card as established in the present administrative resolution.

ARTICLE SIX. Replacement: If the verification card has been damaged, lost, stolen, or revoked, the traditional commercial fisherman must deposit the amount of two (2) Minimum Daily Salaries in Legal Effect into current account No. 855023701 at the Banco de Occidente, held in the name of “Convenio Gobernacion – INPA”. The fisherman must then submit a copy of the bank deposit receipt along with the written application for replacement to the Department's Secretariat of Agriculture and Fishing, which requires compliance with the requirements established in this administrative resolution.

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ARTICLE SEVEN. Period of validity: The card verifying the status of a traditional commercial fisherman will be valid for a period of five (5) years, counted from the date that document is issued by the Secretariat of Agriculture and Fishing of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina.

ARTICLE EIGHT: The activity of traditional commercial fishing may only be exercised within the territory that is within the jurisdiction of the Department of the Archipelago of San Andrés, Providencia and Santa Catalina, by individuals who meet the requirements established in the present resolution and who have successfully obtained entry into the register of fishermen from the General Register of Fishing and Aquaculture and who have received the corresponding verification of their status by issuance of the card.

PARAGRAPH 1. A traditional commercial fisherman whose card is being processed may request certification to verify that situation from the Department’s Secretariat of Agriculture and Fishing. This certification will have full validity for presentation to the maritime and control authorities, but in no case will its period of validity exceed one (1) year, counted from its date of issuance.

ARTICLE NINE: The present Administrative Resolution modifies Resolution 0001514 of the fifth (05) of April, 2006, and it repeals any resolutions that may contradict it.

ARTICLE TEN. Period of validity. The present Resolution takes effect as of its date of issuance.

PUBLICATION AND IMPLEMENTATION IS HEREBY ORDERED

[stamp:] **JUN 30, 2016**

San Andrés Island,

[signature]

RONALD HOUSNI JALLER
Governor [initials]

[signature]

ROY ROBINSON MC.LAUGHLIN
Secretary of Agriculture and Fishing

ANNEX 16

General Maritime Directorate, Resolution No. 0459 of
2016 (27 July 2016)

RESOLUTION 0459-2016 MD-DIMAR-SUBMERC-ATRANC OF 2016

(July 27, 2016)

D.O. 49,961, August 10, 2016

By means of which some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices are adopted.

The General Maritime Director, in the exercise of the legal powers granted in Sections 5, 6 and 8 of Article 5 of Decree Law 2324 of 1984, in accordance with Sections 2 and 5 of Article 2 of Decree No. 5057 of 2009 and Article 7 of Law 1115 of 2006, and

WHEREAS:

Article 2 of the Political Constitution of Colombia establishes that serving the community, promoting general prosperity and guaranteeing the effectiveness of the principles, rights and duties enshrined therein are essential purposes of the State.

Article 3 of Law 489 of 1998, in accordance with Constitutional Article 209, provides that the administrative function is at the service of the general interests and is developed based on the principles of equality, morality, effectiveness, economy, speed, impartiality, disclosure, responsibility and transparency.

Section 5 of Article 5 of Decree Law 2324 of 1984 provides that the functions of the General Maritime Directorate include regulating, directing and controlling activities related to the safety of navigation in general.

Section 6 of said Article establishes the function of authorizing the operation of ships and naval craft in Colombian waters.

Section 8 of said Article establishes as a function of the General Maritime Directorate that of authorizing and controlling activities related to the arrival, docking, maneuvering, anchoring, towing and departure of ships and navel craft; and making visits to receive ships and naval craft in Colombian ports through the Harbor Master's Offices.

Section 5 of Article 2 of Decree No. 5057 of 2009 establishes as a function of the General Maritime Directorate that of planning, directing, coordinating and evaluating the regulations necessary for the development, control and monitoring of maritime activities

Article 2.4.4.1 of Decree No. 1070 of 2015 establishes that whenever national- or foreign-flag vessels enter a Colombian port they shall pay for the maritime security service, which consists of processes and procedures developed by the National Maritime Authority in order to contribute to the safety of human life at sea, the security and efficiency of navigation and/or the protection of the marine environment.

Article 2.4.3.2.5 of Decree No. 1070 of 2015 establishes that the authorization of the General Maritime Directorate shall be required when a foreign-flag vessel stays in a Colombian port or waters for more than sixty (60) days.

Decree No. 753 of April 17, 2013, modified by Decree No. 2667 of November 20, 2013, adopted the “San Andrés, Providencia and Santa Catalina Program, Phase II,” which defines the strategic programs and investment projects to be carried out in the Agriculture, Fishing and Aquaculture sectors in the Archipelago Department of San Andrés, Providencia and Santa Catalina, in accordance with Article 151 of Law 1607 of 2012 and Decree No. 294 of 2013.

Resolutions No. 311 of 2013, No. 305 of 2014 and No. 437 of 2015 of the General Maritime Directorate adopted some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbor Master’s Offices, which are valid for one year, as it was necessary to update the list of Colombian- and foreign-flag vessels to which the cited benefits will be applicable.

Pursuant to the foregoing, the General Maritime Directorate,

RESOLVES:

Article 1: *Purpose*. The purpose of this resolution is to establish some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbor Master’s Offices.

Article 2. *Scope of application*. The provisions of this resolution shall be applicable exclusively to the following ships dedicated to industrial fishing in the jurisdiction of the San Andrés and Providencia Harbor Master’s Offices:

1. Colombian-flag motor ships:

NUMBER	SHIP NAME	REGISTRATION	FLAG
1	MISS IDA	CP-07-0943-B	COLOMBIA
2	MISS ASTRIA	MC-07-0144	COLOMBIA
3	DRAKKER V	MC-05-596	COLOMBIA
4	RIBES	CP-03-0453-B	COLOMBIA

2. Foreign-flag motor ships:

NUMBER	SHIP NAME	REGISTRATION	FLAG
1	EL SHIP I	BP-E96-878PP	DOMINICAN REP.
2	CAPT GEPVANNIE	U-0328176	HONDURAS
3	AMEX I	RHU-52423	HONDURAS
4	OBSERVER	U-1924336	HONDURAS
5	MISS DOLORES	300112	TANZANIA
6	SEA FALCON	1446	NICARAGUA

Article 3. *Maritime Security Service*. The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 2 of this resolution are exempt from the payment for the Maritime Security Service established in Article 2.4.4.1 of Decree No. 1070 of 2015, which the General Maritime Directorate is responsible for collecting, for the term of one year from the entry into force of this resolution.

Article 4. *Stay-and-operation permit for foreign ships*. The foreign-flag motor ships listed in Section 2 of Article 2 of this resolution shall automatically be granted a permit to stay and operate in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices for the term of one year from the entry into force of this resolution, upon authorization of the Office of the Secretary of Agriculture and Fishing of the Government of San Andrés, Providencia and Santa Carolina.

Article 5. *Statutory Certificates*. The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 2 of this resolution are authorized to operate in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices for the term of three (3) months from the entry into force of this resolution, while the National Maritime Authority performs the necessary inspections for updating and legalizing the Statutory Certificates, if required.

Article 6. *Effective Date*. This resolution shall enter into force from the date of its publication in the *Diario Oficial* [Official Gazette], and it repeals Resolution No. 437 of 2015 of the General Maritime Directorate.

To be published and complied with.

Issued in Bogotá, D.C. on July 27, 2016.

ORIGINAL SIGNED

Vice Admiral **PABLO EMILIO ROMERO ROJAS**
General Maritime Director

ANNEX 17

General Maritime Directorate, Resolution No. 550 of
2017 (15 August 2017)

RESOLUTION (550-2017) MD-DIMAR-SUBMERC-ATRANC OF 2017

(AUGUST 15, 2017)

D.O. 50,391, October 19, 2017

By means of which some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices are adopted.

The General Maritime Director, in the exercise of the legal powers granted in Sections 5, 6 and 8 of Article 5 of Decree Law 2324 of 1984, in accordance with Sections 2 and 5 of Article 2 of Decree No. 5057 of 2009 and Article 7 of Law 1115 of 2006, and

WHEREAS:

Article 2 of the Political Constitution of Colombia establishes that serving the community, promoting general prosperity and guaranteeing the effectiveness of the principles, rights and duties enshrined therein are essential purposes of the State.

Article 3 of Law 489 of 1998, in accordance with Constitutional Article 209, provides that the administrative function is at the service of the general interests and is developed based on the principles of equality, morality, effectiveness, economy, speed, impartiality, disclosure, responsibility and transparency.

Section 5 of Article 5 of Decree-Law 2324 of 1984 provides that the functions of the General Maritime Directorate include regulating, directing and controlling activities related to the safety of navigation in general.

Section 6 of said Article establishes the function of authorizing the operation of ships and naval craft in Colombian waters.

Section 8 of said Article establishes as a function of the General Maritime Directorate that of authorizing and controlling activities related to the arrival, docking, maneuvering, anchoring, towing and departure of ships and navel craft; and making visits to receive ships and naval craft in Colombian ports through the Harbor Master's Offices.

Section 5 of Article 2 of Decree No. 5057 of 2009 establishes as a function of the General Maritime Directorate that of planning, directing, coordinating and evaluating the regulations necessary for the development, control and monitoring of maritime activities.

Article 2.4.4.1 of Decree No. 1070 of 2015 establishes that whenever national- or foreign-flag vessels enter a Colombian port they shall pay for the maritime security service, which

consists of processes and procedures developed by the National Maritime Authority in order to contribute to the safety of human life at sea, the security and efficiency of navigation and/or the protection of the marine environment.

Article 2.43.2.5 [sic] of Decree No. 1070 of 2015 establishes that the authorization of the General Maritime Directorate shall be required when a foreign vessel stays in a Colombian port or waters for more than sixty (60) days.

Decree No. 753 of April 17, 2013, modified by Decree No. 2667 of November 20, 2013, adopted the “San Andrés, Providencia and Santa Catalina Program, Phase II,” which defines the strategic programs and investment projects to be carried out in the agriculture, fishing and aquaculture sectors in the Archipelago Department of San Andrés, Providencia and Santa Catalina, in accordance with Article 151 of Law 1607 of 2012 and Decree No. 294 of 2013.

Resolutions 0311 of June 26, 2013, 0305 of July 25, 2014, 0437 of July 27, 2015 and 0459 of July 27, 2016 of the General Maritime Directorate adopted some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbor Master’s Offices, which are valid for one year, as it was necessary to update the list of Colombian- and foreign-flag vessels to which the cited benefits will be applicable.

Pursuant to the foregoing, the General Maritime Directorate,

RESOLVES:

Article 1: *Purpose*. The purpose of this resolution is to establish some special transitory measures in the jurisdiction of the San Andrés and Providencia Harbor Master’s Offices.

Article 2: *Scope of application*. The provisions of this resolution shall be applicable exclusively to the following ships dedicated to industrial fishing in the jurisdiction of the San Andrés and Providencia Harbor Master’s Offices:

A. Colombian-flag motor ships:

NUMBER	SHIP NAME	REGISTRATION	FLAG
1	MISS IDA	CP-07-0943-B	COLOMBIA
2	MISS ASTRIA	MC-07-0144	COLOMBIA
3	DRAKKER V	MC-05-596	COLOMBIA

4	RIBES	CP-03-0453-B	COLOMBIA
5	MISS SUSETH	CP-07-0220-A	COLOMBIA
6	UNDER PRESSURE	CP-12-0514	COLOMBIA
7	MAR AZUL	CP-07-1563	COLOMBIA

B. Foreign-flag motor ships:

NUMBER	SHIP NAME	REGISTRATION	FLAG
1	CAPT GEOVANNIE	U-0328176	HONDURAS
2	AMEX I	RHU-52423	HONDURAS
3	OBSERVER	U-1924336	HONDURAS
4	MISS DOLORES	300112	TANZANIA
5	THE SAGA	U-1826659	HONDURAS
6	SEA FALCON	1446	NICARAGUA

Article 3. *Maritime Security Service*. The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 2 of this resolution are exempt from the payment for the Maritime Security Service established in Article 2.4.4.1 of Decree No. 1070 of 2015, which the General Maritime Directorate is responsible for collecting, for the term of one year from the entry into force of this resolution.

Article 4. *Stay-and-operation permit for foreign ships*. The foreign-flag motor ships listed in Section 2 of Article 8.3.1.2 of this resolution shall automatically be granted a permit to stay and operate in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices for the term of one year from the entry into force of this resolution, upon authorization of the Office of the Secretary of Agriculture and Fishing of the Government of San Andrés, Providencia and Santa Carolina.

Article 5. *Statutory Certificates*. The Colombian- and foreign-flag motor ships listed in Sections 1 and 2 of Article 8.3.1.2 of this resolution are authorized to operate in the jurisdiction of the San Andrés and Providencia Harbor Master's Offices for the term of three (3) months from the entry into force of this resolution, while the National Maritime Authority performs the necessary inspections for updating and legalizing the statutory certificates, if required.

Article 6. *Effective Date*. This resolution shall enter into force from the date of its publication in the Official Gazette, and it repeals Resolution No. 459 of July 27, 2016 of the General Maritime Directorate.

To be published and complied with.

Issued in Bogotá, D.C. on August 15, 2017

ORIGINAL SIGNED

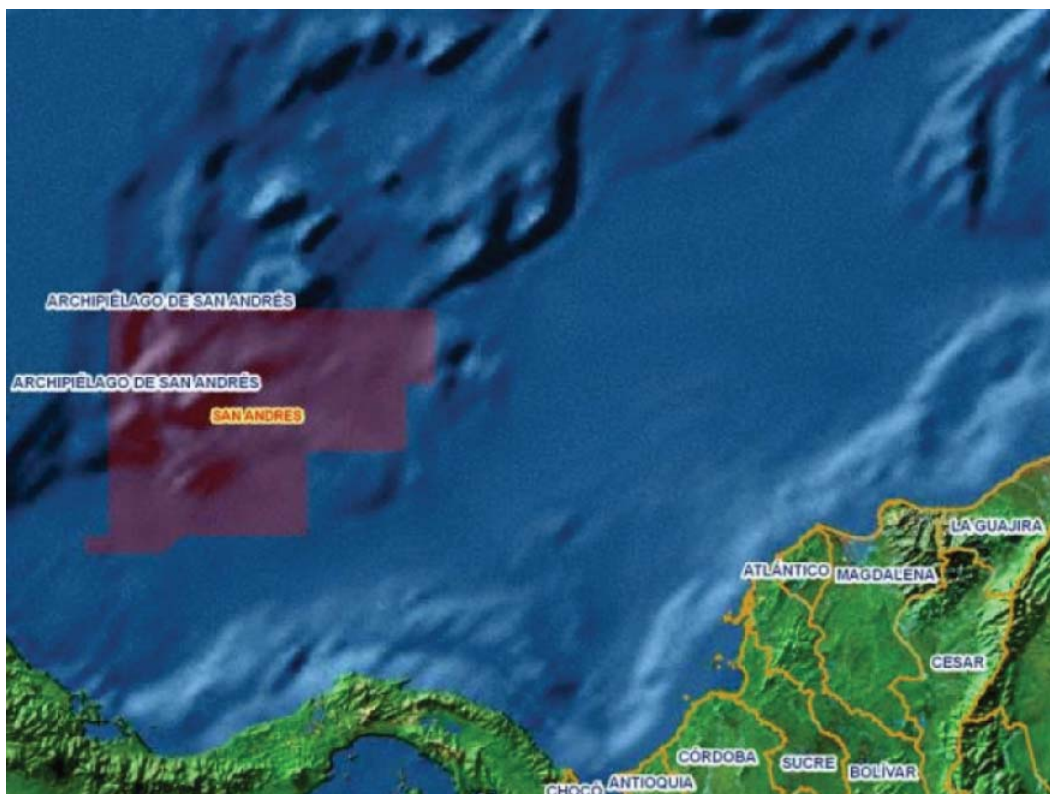
Rear Admiral PAULO GUEVARA RODRÍGUEZ
General Maritime Director

ANNEX 18

Maps of the Jurisdiction of the San Andrés and Providencia Harbour Master's Office

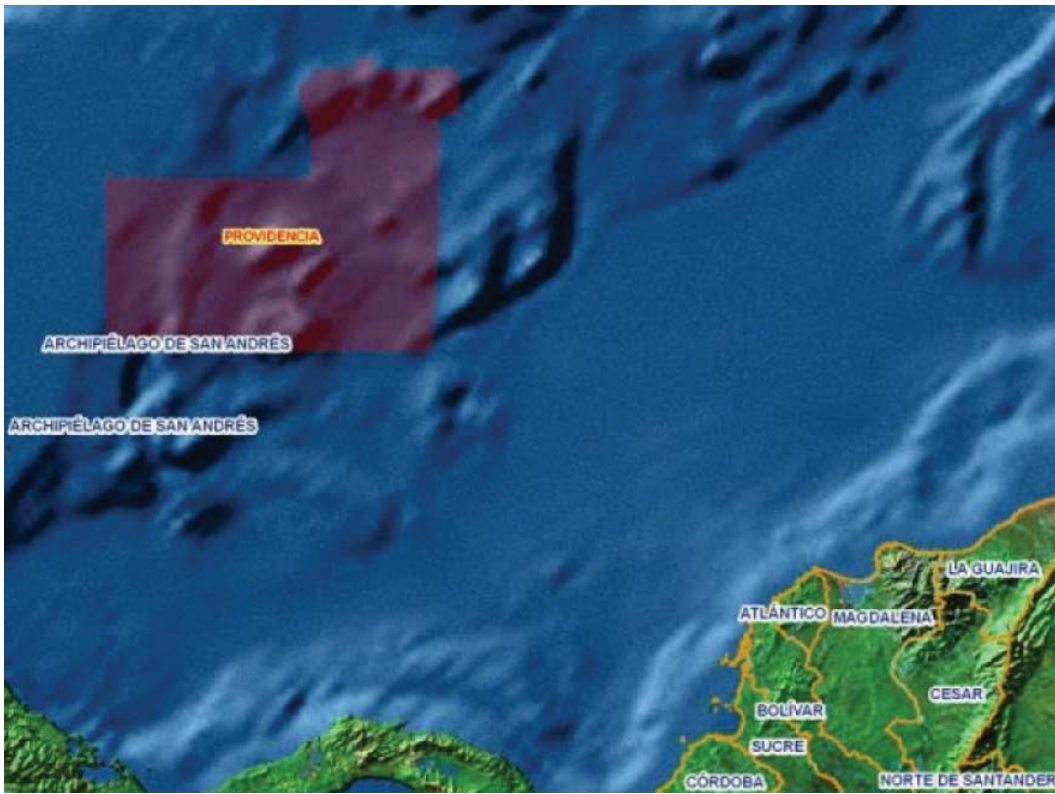
**MAPS OF THE JURISDICTION OF THE SAN ANDRÉS AND PROVIDENCIA
HARBOUR MASTER'S OFFICE**

(a)



https://www.dimar.mil.co/capitania_san-andres/jurisdicci%C3%B3n-6

(b)



https://www.dimar.mil.co/capitania_providencia/jurisdicci%C3%B3n

ANNEX 19

Dimar regulated artisanal fisheries, *El Tiempo*, 13
April 2004

EL TIEMPO

DIMAR Regulated Artisanal Fishing

April 13, 2004, 12:00 a.m.

The 84 fishermen of San Andrés and the 164 that work in Providencia will not have to ask the harbormaster to issue a permit to set sail. Starting this week, they will be able to carry out their activities only by informing the authorities by letter, fax or verbally.

This measure will regulate fisheries in San Andres, Providencia and Santa Catalina. This was announced by Rear Admiral Carlos Arturo Pineda, General Maritime Director.

The new regulation forbids operations with engines superior to 85 horsepower. Also, activities beyond 12 nautical miles around the larger islands (San Andrés and Providencia) cannot be carried out. In addition, when fishermen require the use of more than 50 gallons of gasoline, they will have to report the surplus to the competent authority.

In disagreement.

The fishermen's associations of San Andrés expressed their non-conformism to the authorities given that, according to them, the rule is against the ancestral culture of the fishermen of the islands.

Balston Henry, fisherman from the North End sector, said it is not fair that in his grandfather's time, when fishermen used sailboats, they could move freely through the archipelago without limitations and that now, with technology and outboard motors, they have too many limitations to access the schools of fish.

The exploitation of marine resources by industrial companies forces us every day to go further and, precisely, the new regulation binds us, warned Henry.

However, the new rules are not completely rejected by the fishing community. Some argue that it would limit the actions of drug traffickers.

Regulations on the use of fuel and the limitations in terms of the distances that can be traveled by the vessels of artisan fishermen, also shelter tourism services providers that work between the islands and the minor keys.

PHOTO: The fishermen of San Andrés and Providencia will not be able to carry out their activity beyond 12 nautical miles around the larger islands.

File / EL TIEMPO <http://www.eltiempo.com/archivo/documento/MAM-1564056>

ANNEX 20

Fishermen had 3 incidents with Nicaragua, *El Nuevo Siglo*, 19 February 2013

EL NUEVO SIGLO

Fishermen Had 3 Incidents with Nicaragua

February 19, 2013 - 09:24 AM

The National Navy revealed that so far, in 2013, San Andres and Providencia raizal fishermen have already had 3 incidents with the Nicaraguan Coastguard, which is why President Juan Manuel Santos ordered yesterday to increase the presence of the Navy in that area of the Caribbean Sea. "That type of incident should not happen again and the National Navy will even increase its presence or the number of vessels it has," said the Head of State during the summit of governors.

The governor of the Archipelago of San Andrés, Providencia and Santa Catalina, Aury Guerrero Bowie, denounced an incident in which a Colombian fishing group was inspected and apparently expelled from a border zone between the two countries by the Naval Force of Nicaragua.

The Commander of the National Navy, Admiral Julián García Márquez, assured that "this year we have basically had 3 incidents", so the rights of the Colombian fishermen will be guaranteed "by implementing all capabilities that the Navy has so that it is ready to enforce respect for all fishermen in the area." Admiral García Márquez acknowledged that there is communication between the naval forces of the two countries but said that Nicaraguan intermediate military commands tried to "intimidate" the Colombian islanders.

"Although there is a channel with the highest naval authority in Nicaragua, the tactical commanders tried to intimidate the fishermen and we are not going to allow that."

"They gave them a 72-hour ultimatum to finish their fishing task." The official explained that they will have the Vessel 20 de Julio for surveillance and will adapt other units of lesser capacity but higher speed to cover the entire fishing area. AFP/ENS

<http://www.elnuevosiglo.com.co/articulos/2-2013-pescadores-han-tenido-3-incidentes-con-nicaragua>

ANNEX 21

Julio Londoño Paredes, Presentation to the Colombian
Academy of History, 19 March 2013

AUDIO-VIDEO TRANSCRIPTION
“THE CASE OF SAN ANDRÉS AND NICARAGUA”
JULIO LONDOÑO PAREDES
PRESENTATION TO THE COLOMBIAN ACADEMY OF HISTORY
MARCH 19, 2013
Video Tour 1:07:15/ 1:11:32

[...]

“Artisan Fishing Sector, Lastly, I wanted to simply leave another element for you – Let’s look at Coralina – This is the report that is on Coralina’s Internet, the corporation for the sustainable development of the San Andres and Providencia Archipelago. That is an official document of Coralina, which studied the resources in the area. It says the following:

May 2009: FISHING SECTORS: The artisan fishermen generally carry out their work around the Bolivar and Albuquerque islands and keys.

All of the keys, all of them, including Quitasueños and Serrana remained interlocked in the north, they remain with twelve miles of territorial sea. Albuquerque and Este-Sur Este they remained with an Economic Zone and Continental Platform.

[...] Return to the previous one please, these two with twelve miles, but these extend naturally toward the eastern sector. Let’s continue.

Diagnosis of the Artisan Fisheries: In the northern sector, the main kayakers are...; At least ten percent of the fishermen from the island carry out their fishing chores once a year in the keys to the north of Roncador, Quitasueño and Serrana. Artisan Fisheries.

The Main Industrial Fisheries Sectors

[...] about shovel snail (conch), these are found in the reefs at Serrana, Roncador and lower Quitasueños in an illegal manner. Occasionally in Serranilla.

Lobster fisheries close to Meridien 82 and Parallel 15, which is where we initially invoked Meridian 82, and in the interior of the the banks and islets of Serrana, Roncador and Quitasueño.

Let’s continue. The Coralina Report says:

Up until the 1970 decade in kayaks, as you know are small canoes. Sail and oar in coastal depths close to the islands of San Andres and Providencia.

Three or four vessels ventured to the Bolivar or Albuquerque Keys and occasionally to the northern keys, Quitasueño, Roncador and Serrana.

Entire fleets of 30 and more vessels, larger draft ships arrived from the continent and many others from Honduras, Jamaica, the United States, Korea, Mexico and other countries and in less than 10 years, devastated the resources without any control or planning.

By the end of the 1980 decade, resources in the Roncador, Quitasueño and Serrana Keys recovered due to greater control of the National Navy by virtue of direct management and other orders issued by the President of the Republic, Dr. Virgilio Barco.

Well, that's the Fisheries situation.

Fishing is in the lower part. No, in the deep part that is not an area rich in fishing. Except for a triangle in the north, -show the middle line please-, an area that is important in lobster fishing. What is this triangle here? Which is located between meridian 82, which the Court already told us was not the limit and the middle line proposed by Colombia. This triangle, we could not, there were no legal arguments to defend it. Because we could not say "there are some gentlemen fishing there"; legally, an argument with these characteristics did not have strength ...

In general terms, that is the situation of the Court's ruling.

<https://www.youtube.com/watch?v=tyGpE8sjtq4&t=3698s>

ANNEX 22

Despite The Hague, fishermen increased in San
Andres, *ape.com.co*, 3 September 2013

DESPITE THE HAGUE, FISHERMEN INCREASED IN SAN ANDRES

Carlos Osorio Pineda

Tuesday, September 03, 2013 - 11:57

Despite the fact that the ruling by The Hague severed more than 70,000 km² of waters in the Caribbean Sea from Colombia last November, with severe detriment for the country and especially for fishermen from San Andres, their numbers significantly grew and went from 1,394 to 1,728 fishermen last year.

According to figures from the Ministry of Agriculture and Fisheries of San Andrés, in view of the ruling by the UN Court on November 19, 2012, the Archipelago registered 1,394 artisan fishermen of which 1,030 are in San Andres and 364 are in Providencia.

But curiously, instead of decreasing or maintaining those levels on account of the limitation of the profitable areas for fishermen, such as the fishing grounds located to the west of Providencia and to the east of Bolivar Key that were left to Nicaragua, the figure increased by almost 20% in recent months, with 334 more fishermen than last November.

Thus, according to official data, there are now 1,297 artisanal fishermen in San Andrés and 431 in Providencia. The multiplication, not of loaves, nor of fish, but of those who derive their livelihood.

The increase seems to be justified by the commitment of President Juan Manuel Santos, on December 6, to provide 30,000 million pesos in subsidies to fishermen from the Archipelago.

And it seems that this announcement, which accurately guaranteed 1,800,000 pesos per month for six months to each fisherman, achieved the miracle of promoting work in that territory of the Colombian Caribbean.

The ruling that provided Nicaragua a large portion of the marine area of Colombia in the Caribbean, took away important fishing grounds from the fishermen of the archipelago, such as those mentioned above, which were for the exclusive use of artisanal workers, as well as others located in Quitasueño and Serrana Keys, which were outside the 12 miles established by The Hague and were for industrial and artisanal use.

But one of the most important of these fishing grounds that the judges from The Hague took, is the one known as 'Luna Verde' or 'La Esquina', which is the richest place in lobster fishing, so much that 90% of production, and finfish, derived from there, areas exploited especially by industrial fishermen.

With the loss of these fishing grounds, which traditionally generated an annual income of nearly 12,000 million pesos, only for lobster fishing, the archipelago will have its coffers reduced by several billions of pesos, according to the Secretary of Agriculture and Fishing, Marcela Sjögreen Velasco.

<http://ape.com.co/gobierno/item/114-a-pesar-de-la-haya-aumentaron-pescadores-en-san-andres>

ANNEX 23

It is possible to negotiate with Nicaragua in The Hague: Carlos Gustavo Arrieta Colombia's agent to The Hague says there is bilateral disposition, *El Tiempo*, 22 November 2014

EL TIEMPO

'It is possible to negotiate with Nicaragua in The Hague': Carlos Gustavo Arrieta

Colombia's agent to The Hague says there is bilateral disposition

By: El Tiempo Newsroom

November 22, 2014, 06:49 p.m.

PHOTO

Colombia's agent to the International Court of Justice of The Hague, Carlos Gustavo Arrieta, stated that an eventual treaty with Nicaragua could include the definition of the limits between both nations and also all of the subject-matters of common interest.

Two years after the ruling of that international court, which deprived Colombia of economic rights in part of the Caribbean Sea, Arrieta told EL TIEMPO that even the new claims of the Central American country to Colombia could be resolved "amicably" in an agreement of this type.

What does it mean that President Santos has expressly spoken of a treaty with Nicaragua? It seems to me a very important step. Since the ruling, the President stated that the solution to any problem with Nicaragua was through a treaty of trustworthiness. It also reflects several things.

Such as? It is an application of what the Constitutional Court said. That high court was clear in that the integration of international law with domestic law was through a treaty that gathers the provisions set forth in the ruling.

The treaty with Nicaragua should exceed the concept of inapplicability of the ruling that Colombia coined? The issue of inapplicability is not wanton; the Government had no other alternative. This is a country, that by virtue of the Constitution, is dualistic in matters of boundaries; namely, it acknowledges the existence of an international law and a domestic law, but it does not acknowledge that, automatically, international law is applied preferably over the domestic one in terms of limits. After the ruling by The Hague, it was inevitable that it would enter into conflict with Colombian legislation and for this reason, the ruling is inapplicable.

That is that the treaty would exceed that concept... Of course, it is the way to make the ruling applicable.

Would it be an opportunity for the parties to find coincidences beyond the treaty? Of course, a treaty with Nicaragua is a marvelous opportunity to overcome the innumerable difficulties that the two countries could have, and we are not only speaking of boundaries, but rather many other issues.

Hypothetically, what elements could it contain? Many, but it is a political decision by the governments how much they want to include in it. It would have to definitely create some type of confirmation of the archipelago and guarantee its survival.

What other elements? It has to have aspects relating to the protection of the raizal culture and the fishing and navigation rights of the communities throughout all of the sectors, without any type of delimitation. And with the protection of the Seaflower Reserve.

Should this treaty put an end to the other pretensions of Nicaragua? Those are political decisions, but of course. A treaty can include everything that the countries want; the only thing it cannot do is to affect the rights of other States or infringe the provisions of international law.

How is the other conflict with Nicaragua going in The Hague? All right. There are two processes: a claim by Nicaragua for an extended continental platform beyond 200 miles, almost to Cartagena, and another for Colombia's alleged breach of the previous decision.

Would the parties, by virtue of a treaty, reach an agreement on these claims? Of course, it would proceed. Countries can settle disputes before The Hague until the moment of the decision and after it; any time that Colombia and Nicaragua want to settle the issues that are in the litigation, they can do it.

There are those who say that there is no Colombian defense strategy ... Yes, there is, and from the beginning. There are very clear leading threads. It is a well thought out strategy and in which many people have participated. Obviously, nobody can tell a country that things are going to be perfect, it will always depend on a third party, who is a judge, but I think it has been thought out with great care.

Is there space in the parties? "If you look, Nicaragua has stated on several occasions that it wants to negotiate, and President Santos has also said it, that is, the two countries have expressed their willingness to reach agreements."

<http://www.eltiempo.com/archivo/documento/CMS-14870462>

ANNEX 24

Thus, the National Navy Protects the Waters of the
Caribbean, *Noticias Caracol*, 3 April 2015

NOTICIAS CARACOL**COLOMBIA****1:56 PM - APRIL 3, 2015****Thus, the National Navy Protects the Waters of the Caribbean****Video “Colombia Exerts Sovereignty in the Keys”****By:****NoticiasCaracol.com / EFE**

The Minister of Defense, Juan Carlos Pinzon, held a dialogue by satellite and simultaneously with nine units of the National Navy exercising sovereignty and control tasks in waters of the Caribbean, informed his office.

“Achieving this satellite link has been a great honor because it is the first time that we hold a simultaneous videoconference with all of the units of the Navy deployed in the keys and islands of the Archipelago (of San Andres and Providencia); and in the same manner, with all of the navy vessels and units present in that area”, pointed out Pinzon.

During his visit to San Andres, Minister Pinzon, who was accompanied by the Commander of the National Navy, Admiral Hernando Wills, pointed out that “our Naval Forces work all of the time confronting terrorism, criminal gangs and common delinquency, in addition to making decisive strikes and improving safety conditions for the country”.

He added that in the specific case of the Navy, it exercises “maritime sovereignty and control, humanitarian aid, against disasters and protection of the environment, namely, defending Colombia.

In its ruling of November 19, 2012, the International Court of Justice (ICJ) at The Hague ordered that Colombia should transfer to Nicaragua a portion of the sea to the east of Meridien 82, which according to the South American country involves 75,000 square kilometers and according to the Central American country, it is 90,000.

Since then, the Colombian government upholds that the ruling is “inapplicable” because the boundaries of the country can only be modified through international treaties approved by Congress, which has not happened in this case.

After listening to the simultaneous reports from the frigates ARC “Independiente” and ARC “Antioquia”, from the ocean patroller “San Andres”, from the Specific Command Post in San Andres Island, and from the coastguard stations in the Islands of Serrana, Serranilla, Roncador, Albuquerque and Providencia, Pinzon stated that “the Navy Forces are more committed than ever”.

<https://noticias.caracoltv.com/colombia/asi-la-armada-nacional-protege-las-aguas-del-caribe>

ANNEX 25

Colombian Ambassador Reasoned Refusal to Abide by
ICJ Ruling, *El Nuevo Diario*, 4 September 2015

EL NUEVO DIARIO

Colombian Ambassador Reasoned Refusal to Abide by ICJ Ruling

Hatzel Montez Rugama

• September 04, 2015 | 12 a.m. | Printed Edition

Colombia's Ambassador in Nicaragua, Carlos Salgar, deems that the ruling issued by the International Court of Justice (ICJ), based in The Hague, which restituted to Nicaragua the sovereignty of a vast territory in the Caribbean Sea is "temporarily inapplicable".

Salgar made these statements yesterday before holding a meeting in the National Assembly with the Coordinator of the bench of the Sandinista National Liberation Front, Edwin Castro and the Parliament's Acting President, Iris Montenegro.

"What Colombia has said is that the ruling is temporarily inapplicable due to constitutional situations that must be solved", reasoned the diplomat without explaining the situations to which he referred.

Likewise, Salgar stated that Colombia "has never spoken about not complying with the ruling. (...) I repeat, there is no contempt, it does not mean that there is disrespect for the sentence, it has been said that we must comply with a series of steps to be able to make it applicable", concluded the Ambassador.

ORTEGA ASKS

On his part, the President of the Republic, Daniel Ortega Saavedra, said las Wednesday, during the celebration of the 36th anniversary of the constitution of the Nicaraguan Army, that Colombia does not have the moral authority to be summoning international organizations to resolve the current dispute with Venezuela.

"Legitimate and normal measures were taken there in the boundary; then Colombia comes and starts calling international organizations.

I say, with what moral authority is Colombia calling international organizations? With what moral authority does it dare to say that it will summon the international courts to introduce the dispute it has with Venezuela? With what authority if it has not complied with the ruling of the International Court of Justice?", questioned Ortega.

<https://www.elnuevodiario.com.ni/nacionales/369520-embajador-colombiano-razona-negativa-acatar-fallo/>

ANNEX 26

There are no vetoed zones for the fishermen in San Andres: National Navy, *El Pais.com.co*, 3 December 2015

EL País.com.co

“THERE ARE NO VETOED ZONES FOR THE FISHERMEN IN SAN ANDRÉS”: NATIONAL NAVY

December 03, 2015 - 12:00 a.m.

The representative of the National Navy in the island explained that, after the ruling of the International Court of Justice, a strategy to control the sea was established that involves designing the special zones.

“There are no vetoed areas for our fishermen. We continue to exercise national sovereignty and defending our sovereignty in the jurisdictional waters of Colombia, stated the Rear Admiral Andres Vasquez Villegas, Chief of the Specific Command of San Andres, Providencia and Santa Catalina, after three years of the ruling that delivered 75 thousand kilometers of Colombian waters in the Caribbean to Nicaragua.

The representative of the National Navy explained in the island that, after the ruling by the International Court of Justice, a strategy was established to control the sea, which involves the design of special zones, “whereby we designate a responsibility to our vessels and each unit commander responds for the control and safety of our fishermen”.

As he explained, when the vessels depart to high seas, they report to the Harbormaster, who monitors them with the surveillance systems, supervising that they are not intervened when they are fishing.

“We can attest to the fact that the units of the Nicaraguan Naval Forces have never boarded fishing or commercial vessels with Colombian flags in our jurisdictional waters”, added the Commander.

This year, seven health brigades worked together with the Colombian Air Force that attended 3,500 persons.

That is precisely the entity responsible for leading the Archipelago Plan that the National Government created to ensure the safety of the island’s inhabitants, which involves all state agencies with a presence in San Andrés.

“One of the objectives is the protection of maritime communications lines, understanding that it is a department whose subsistence depends entirely on the sea and trade mobilized through merchant shipping lines”, he stated.

He added that this year they rescued 35 vessels at high sea and 233 persons in emergency.

“I want to emphasize the social commitment and social responsibility of the National Navy with the island and raizal communities”, he pointed out.

<http://www.elpais.com.co/colombia/no-hay-zonas-vetadas-para-los-pescadores-en-san-andres-armada-nacional.html>

ANNEX 27

The ICJ is not a Trustworthy Court: Arrieta the Colombian agent said that there seems to be a desire to favor one of the Parties, *El Tiempo*, 18 March 2016

El Tiempo

‘The ICJ is not a Trustworthy Court’: Arrieta

The Colombian Agent Said that There Seems to be a Desire to Favor One of the Parties

8:25 a.m. | March 18, 2016

The Colombian agent before the International Court of Justice (ICJ), Carlos Gustavo Arrieta, considered that the ruling of that court violates Colombia's right to due process. He said that the ICJ is not a court that can be trusted and that wants to demarcate the two countries.

What is your opinion of the ruling?

It is a totally incomprehensible decision and without any basis from the legal point of view. I think it is mistaken, counterfactual because the Court disavows its own ruling and its own jurisdiction. This ruling violates the right to due process for Colombia.

Why?

Colombia had the right to acknowledgement of the fact that this was already a decision of the Court and, consequently, our country does not have to revert to controversy.

It was mistaken and that is why Colombia is right in deciding not to appear again, because it is definitely not a court that can be trusted, and it seems to me that we have definitely learned the lesson that all border issues have to be defined by agreement between the parties.

What does it mean that Colombia will not continue in the Court?

That it will not appear before that Court any more, namely, that the process may continue but without Colombian participation. Any way, if one of the parties does not appear, the process continues. Colombia may submit considerations, but it will not formally appear in the process.

The Court accepted Colombia's exception that Nicaragua must previously go before the Convention of the Sea. Is that any good?

It accepted it, but it does not attribute any consequence to it, because what it said was that it is empowered to delimit if there is no recommendation from the Commission on Limits. That is something unusual and novel, because it is not clear that it has a legal basis.

But that is not the fundamental problem, it is that the Court ignored what it had decided in 2012, and it is clear that it has a huge desire to make a delimitation. Nicaragua already submitted the evidence that it had to submit, it cannot submit absolutely nothing more, but allowing it to submit more evidence seems an abuse to me.

What is your feeling after the ruling?

I feel very bad because we did not win, but it makes me very angry because one thing is when one loses in a fair fight and one understands that it is part of the process, but another is when it is lost as in this case, with a decision that is totally counterfactual and contrary to what the Court itself says.

But the final decision was a tie ...

It is relevant to have had a split decision that is only decided because the president's vote counts for two, but it is not because they actually had more votes. What happens is that because of the regulation that says that the president's vote counts the most is that Nicaragua ends up winning.

So, the best thing is to withdraw from the jurisdiction of the ICJ ...

Colombia does not have to rely on an institution that makes a determination of this nature, in such a precarious way that it ends up deciding on behalf of a technical regulation. It does not make much sense to continue.

Is the Court 'setting-up' Colombia?

I think so. I do not see any reason to justify that decision, there is no legal reason or anything in the background that suggests that the court has grounds for what it did. It seems to me that it is a determination that does not conform at all to the rules that govern the matter. I feel that yes, here rather it would seem that there was a desire to favor one of the parties.

Those who have not accepted rulings

Nations like the United States, France, Argentina, Nigeria and Israel have not followed ICJ decisions.

According to Chapter VI of the United Nations Charter, when this occurs, the affected State can go to the UN Security Council to enforce the judicial decision.

Según el capítulo VI de la carta de las Naciones Unidas, cuando esto ocurre, el Estado afectado puede acudir al Consejo de Seguridad de la ONU para que este haga cumplir la decisión judicial.

However, according to the internationalist Rafael Nieto Navia, the consequences of challenging decisions of the ICJ do not historically lead to UN sanctions.

This was the case with the United States, which in June 2001 was convicted of executing a German citizen without due process. It did not comply with the ruling and it was not sanctioned either.

In 1977, Argentina ignored a ruling that ordered it to accept Chilean sovereignty over some islands. The matter between the two nations escalated to such an extent that it was the Vatican that finally mediated. (The ICJ) questioned Israel for the construction of the West Bank wall, which is still maintained.

The definitive vote in the case of continental shelf

The vote of the Frenchman Ronny Abraham, President of the ICJ, was the definitive one so that the Court declared itself competent as for the case of the continental platform, after which in this court had given an eight to eight tie.

Abraham was a State Councilor and Director of European Affairs of the Ministry of Foreign Affairs of his country.

Between 1998 and 2004 he was the head of the French delegation to the UN General Assembly. Represented France before the Court of Justice of the European Community and before the European Court of Human Rights.

Since 2005 he has served as judge of the ICJ, the body of which he has been president since February 6, 2015.

<http://images.et.eltiempo.digital/politica/justicia/entrevista-con-carlos-gustavo-arrieta-agente-colombiano-ante-la-cij-de-la-haya/16540089>

ANNEX 28

Colombia united to defend sovereignty in litigation
with Nicaragua, *20minutos.com.mx*, 18 March 2016

20minutos.com.mx

**COLOMBIA UNITED TO DEFEND SOVEREIGNTY IN LITIGATION
WITH NICARAGUA**

Notimex 18.03.2016 – 07:26 H

The President of Colombia, Juan Manuel Santos, received support from political and social sectors in his decision to withdraw from the International Court of Justice (ICJ) at The Hague and to disavow its rulings in relation to the controversy with Nicaragua.

Official political parties, the right and left opposition, business associations, unions and former presidents, accepted the call of Santos to form a united front in defense of the interests of Colombia in the waters of the Caribbean Sea.

Santos made two speeches this Thursday after hearing the ruling of the ICJ in favor of Nicaragua's entitlement that claims sovereignty over a maritime platform, which for centuries is under the jurisdiction of Colombia.

Santos explained his position after the ICJ made public "the decisions on its jurisdiction to hear two new lawsuits filed by Nicaragua against Colombia in 2013, despite Colombia's definitive withdrawal from the jurisdiction of the Court in November 2012.

"Colombians can be sure - very sure - that together we will continue to defend every last inch of our territory," Santos said in a radio and television address on Thursday night.

Former presidents, Cesar Gaviria (1990-1994), Andrés Pastrana (1998-2002), Alvaro Uribe Velez (2002-2010), and all the former foreign ministers expressed unconditional support for the position of the central government against the maritime dispute of Colombia with Nicaragua in The Hague.

"It is good that President Santos does not apply the ruling, surely Nicaragua will never accept to sign a treaty that will grant it less than what it wanted to take from Colombia, this makes it an absolute inapplicability," said Uribe Velez, who is the main opponent of the Santos government.

Gaviria said that "Colombia cannot start negotiating a treaty with Nicaragua until it is certain that there is no pretense to apply the Convention on the Law of the Sea".

In his Twitter account, former President Pastrana said that "the unfortunate outcome in The Hague demands a response with a lot of patriotic dignity, reflection and a cool head".

The National Directorate of the Liberal Party rejected, through a declaration, "the determinations of the International Court of The Hague because they are unfair, bad-tempered and ignore international law and national interests."

The Liberals of Colombia "support President Santos and his government in the activities they are carrying out to defend the country from the abusive expansionist criteria of Nicaragua."

"We support him in his statements and attitudes towards the outrage committed, in ignorance of the ancestral rights and of those consecrated in current treaties," said the Liberal Party.

"Colombia cannot accept non-existent competences, biased jurisdictions, or regional abuses," the ruling party reiterated.

The Colombian Conservative Party, headed by its president David Barguil, also rejected "the rulings and decisions issued by The Hague Tribunal in the face of the demands presented by the Government of Nicaragua."

"We support the actions of the national government, while we ask it to surround itself with a group of internationalist experts with the purpose of defending our national sovereignty," the Conservative Party noted.

It announced that it will form a group of experts, "in which we have asked the former Foreign Minister, Noemi Sanin, her leadership, in carefully studying the arguments of the decisions on the submitted demands, in order to contribute in the defense of the sovereign interests".

President Santos will visit the island of San Andres and Providencia, in the Colombian Caribbean, on Friday to reaffirm before the inhabitants of the insular territory his position to defend the sovereignty of Colombia.

The ICJ also ruled that it has jurisdiction in a maritime dispute between the two countries over the limits in areas of the Caribbean that could be rich in oil, which supports a ruling in favor of Nicaragua in November 2012 that Colombia has not complied with.

The court delimited the boundary between Colombia and Nicaragua in the Caribbean, in a ruling that extended the jurisdiction of Managua over a maritime zone rich in oil and fishing resources, but ratified Colombian sovereignty over seven islets claimed by Nicaragua and the islands of San Andrés, Providencia and Santa Catalina.

See more at: <https://www.20minutos.com.mx/noticia/74363/0/colombia-unida-para-defender-soberania-en-litigio-con-nicaragua/#xtor=AD-1&xts=513356>

ANNEX 29

The ICJ was not made to create new controversies, *El Tiempo*, 19 March 2016

EL TIEMPO

'The ICJ Was Not Made to Create New Controversies' **The conflict with Nicaragua does not put sovereignty at risk, says the Foreign Minister.**

PHOTO

March 19, 2016, 06:36 p.m.

Foreign Minister María Angela Holguín confirmed that the International Court of Justice of The Hague (ICJ) ignored the basic foundation of the res judicata in her last pronouncement in the dispute between Colombia and Nicaragua, for which reason she decided not to appear again before that instance. She explained the actions taken and made it clear that sovereignty is not at risk.

What does it mean that The Hague assumed jurisdiction over the last two claims?

Colombia went to the Court with a serious and solid argument to say that it lacked competence. In the lawsuit for failure to comply with the ruling, we argued that Colombia withdrew under the Court's statute since 2001 and withdrew from the Pact of Bogotá in 2012. We argue that it lacked jurisdiction to enforce its ruling. In the platform petition we had a solid argument about the res judicata, because clearly the Court had already decided on the same matter in the 2012 ruling. The discussion was so complex within the Court that in the case of the platform that of the eight magistrates, half of the members of the Court agreed with Colombia. That tie had to be settled by the vote of the President of that court. With his decision, the Court contradicted its own ruling of 2012 and separated itself from its own jurisprudence. By assuming competence in both cases, it ignored that the basic foundation of its competence is the will of the States to submit controversies for their consideration. Colombia is not a party to the Pact of Bogotá and is not a party to the Convention on the Law of the Sea. The Court, disregarding the fundamental principles of the law of treaties, intends to apply rules that do not bind Colombia. That is unacceptable.

Is sovereignty at risk?

No. Precisely, we are not going to appear because we do not trust that court and we are not willing to submit to the decision of the judges of The Hague issues as delicate as the definition of the limits of our continental platform, which, according to our Constitution, can only be made through an international treaty. We went to the Court precisely to tell it that it has no competence.

Why was the decision made not to return to The Hague?

The Court in its statutes contemplates this possibility, and in some way regulates this sovereign decision of a State. The Court lacks jurisdiction. We withdrew from the Pact of Bogotá precisely so that a matter that can affect the territory or the national jurisdiction will never be submitted to a court.

How was this decision to ignore it made?

Before the decisions of the Court on Thursday, we had a meeting of the Advisory Commission, in which all the scenarios were examined, including those that could be more complicated for Colombia. We considered the possibility of not appearing any more before the Court when we heard the arguments of the rulings in the two cases. When a court ignores the cardinal principle of *res judicata*, on which the stability of international relations is based, there is no guarantee that it judges in law. The debate on that point was so complex in the Court itself that half of the judges not only voted in favor of Colombia but drafted an extensive dissident opinion. Once the decision to declare itself competent was made, President Santos advanced a round of consultations with the presidents and with the leaders of the parties and we registered unanimous support for the idea of not appearing before the Court in the merits phase.

Does that mean that you will not go to that court again in any case?

In November 2012, we denounced the Pact of Bogotá, which was the treaty that obliged us to go before that court. After rulings so filled with contradictions, as in 2012 -on the merits-, or the decisions it just made -on the procedure and the competence-, Colombia is not willing to submit again to that court. Moreover, to put it simply, according to the law, you cannot try to judge twice for the same reason, neither to individuals nor to States.

What consequences will that decision bring?

Many governments of friendly countries will understand the situation when we give them the explanation of the decision that has been taken. The States are aware that when their territory and sovereignty are at stake, the rulers have great responsibilities to the

population. And it is good to remember that no State is actually compelled to appear before the ICJ. In fact, the very statute of the Court anticipates that a State that is sued by another decides not to go before the court and establishes rules for that. Under international law there is nothing illegitimate or illegal in this.

As the processes will continue, what is the country facing?

The Court can continue with both processes and will surely end up issuing some decisions after a few years. There is no certainty about what the Court will decide. Beforehand, Colombia is not bound by decisions of a court to which it has not granted jurisdiction, in fact, of a court to which this position has been reiterated and of which it intends to apply treaties it has not signed. The Court was created to resolve disputes between States, not to create new ones or to exacerbate existing ones. Hopefully the judges of that court, who ignored our arguments, reflect on this responsibility entrusted to them by the international community.

Is it a time to mantle the government above political differences?

Absolutely. And it is clear that this has happened.

Is this not to disavow the decisions just because they are not convenient?

We are not ignoring any decision, what we are doing is to stop participating in judicial processes in which we do not believe. It seems more complex to set the precedent of allowing the application of treaties to the country in which it is not a party. That is a bad precedent.

Was Colombia a 'guinea pig' to lay the groundwork for new legal foundations?

What happened is that a group of judges was mistaken in serious matters by sacrificing the validity of principles such as *res judicata*. The great loser here is international law, which has been set aside by some judges, who may be tempted to speak on the extended platform. This notion of the Convention of the Sea, of 1982, is not opposable to Colombia. As we have repeated, Colombia does not accept that it intends to apply norms of treaties of which it is not a party. It is at least curious that by assuming the jurisdiction the Court, for the first time, it would hear a case of extended continental platform and do so with a country that is not a member of the Convention of the Sea.

Is it feasible to begin a dialogue with Managua in order to redefine the boundaries?

Colombia has never stopped thinking that direct dialogue is the best way to solve problems. we have on the table the problems derived from the 2012 ruling with Nicaragua, which are not few, and now we also have the problems related to these two new demands that we

think should not continue before the ICJ. So, if there is a will, we should start talking, and we will do it if Nicaragua considers it so.

<http://www.eltiempo.com/archivo/documento/CMS-16541413>

ANNEX 30

The burden falls on Nicaragua, *El Espectador*, 19
March 2016

EL ESPECTADOR

“The Burden Falls on Nicaragua”: Manuel José Cepeda

March 19, 2016 - 9:37 PM

Cecilia Orozco Tascón

Manuel José Cepeda, from the team of lawyers from Colombia - together with Carlos Gustavo Arrieta - before the International Court of Justice, emphasizes that the Nicaragua vs. Colombia is not only of binational interest.

PHOTO

Against your arguments and those of Carlos Gustavo Arrieta in The Hague, the International Court of Justice (ICJ) declared itself competent to study the two new demands of Nicaragua. Apart from the legal reasons given by the Court, does that country have extrajudicial protection because it is a small nation, apparently assaulted by Colombia?

Geopolitics in other parts of the world is at stake in the case of Nicaragua vs. Colombia. I give you examples: 1. The controversy between the Philippines and other countries with China, in the South China Sea. 2. Russia's claims on the Arctic that have not yet been reviewed by the UN Commission on Limits. 3. The dispute between Somalia and Kenya in which immense resources are being discussed, especially hydrocarbons, although both countries are parties to the Convention on the Law of the Sea. Colombia could not expose itself to being the guinea pig appearing to the phase on the merits, in the process on the extended continental platform, at moments in which the Court changed and abandoned its jurisprudence.

There remains the feeling that Colombia always arrives lost. It cannot be only by preference. It has been said that we have not done the job well and that, on the other hand, Nicaragua has a consistent international policy, such as the fact that its ambassador in The Hague is the same as of 38 years ago ...

That is important, but the fundamental thing is something else. Precisely what is needed is for Colombia to maintain, for decades, a united front like the one that has been created now to defend its highest interests. Also, as I said, there is a need to be aware that in the dispute with Nicaragua, the interests of other countries are also at play.

Why does a dispute between two nations affect others?

Because if the Court defines what is the right of delimitation of the extended continental platform in the Caribbean, it will set precedents that will favor or harm different States that have an interest in their own platform or in curbing that of their counterpart in other parts of the world.

How many other countries with a coastline in that area of the Caribbean could see their interests affected in the event that the Court rules the Nicaraguan pretensions?

Stability of relations between almost all States with coasts or islands in the Caribbean Sea are at stake. Already Jamaica, Costa Rica and Panama opposed Nicaragua's pretensions.

If this is the case, would the Caribbean coexistence also be compromised?

Yes. The Court would be creating a hotbed of conflicts between riparian countries.

Going back to the point and given the results, how do you defend, today, the Colombian strategy?

Based on the geopolitical context that I mentioned and faced with the repeated claims of Nicaragua, Colombia followed the appropriate legal strategy that consisted of withdrawing, in 2012, from the jurisdiction of the Court and, later, in submitting objections to its jurisdiction. With this, three results were achieved: The Court declared itself incompetent, against what Nicaragua requested, to set a legal regime in the area. If it had done so, it would have indicated, in advance, the rights of Nicaragua without making the delimitation; two, a substantive ruling was postponed: if these objections had not been submitted, this week's ruling would have been on the merits. On the other hand, there was only a formal pronouncement, that is, on its jurisdiction; and, three, most importantly, thanks to the exceptions, we know where the Court is going.

Where to?

It decided that it is going to make a delimitation without having the recommendation of the UN Commission on Limits as to how far does the continental platform that Nicaragua alleges reach; that it does not care that Colombia is not a party to the Convention of the Law of the Sea (which regulates, in its article 76, how the extension of the continental platform is proven) and that it will allow Nicaragua to fail to comply with its obligations given that 15 years have passed since it sued Colombia for the first time and still that country has not succeeded in having a review or recommendation on the case from the UN Commission on Limits, created by a treaty to which Nicaragua is a party.

Without any nationalist fever, do you think that the prestige, credibility and foundation of the ICJ are injured by the Nicaragua vs. Colombia episode?

I coldly limit myself to mentioning what half of the judges of the Court who supported the position of Colombia said: "Nicaragua and Colombia have been engaged in a protracted controversy for many years in relation to their respective maritime entitlements. As the principal judicial organ of the United Nations, the Court is well positioned to resolve such disputes. But if it wants to continue being considered as such, it cannot afford to be perceived as allowing the States to raise the same controversies before it again and again".

What would happen if the ruling on the merits - with Colombia appearing or without its presence - dictates that we are ignoring the Nicaraguan rights? Can we continue to use the figure of contempt against the Court as an argument to breach?

The non-appearance of a country is provided for in Article 53 of the Statute of the Court. It is not contempt, it is a sovereign decision. It is difficult to anticipate the legal effects of a possible adverse ruling on Colombia. In any case, the thesis that a treaty is required is maintained.

When was the presidential decision to "not appear" before the Court made and what are the political and legal reasons that support that position?

The Government was prepared for any scenario and had anticipated it. That is why it consulted the advisory commission and the parliamentary forces. It was a political decision to defend national interests, for which it received broad support from all sectors. The fundamental legal reason is that the Court ignored its own 2012 ruling, in which it denied Nicaragua this same claim; it reopened a closed case against its statutes and will embark on the task of delimiting a platform that the Commission on Limits has not accepted that exists and of which it has not said how far it extends. As if that were not enough, I would do all this despite the fact that Colombia is not party to the Convention on the Law of the Sea.

What sanctions could be imposed on Colombia with its decision to ignore the jurisdiction of the Court despite the fact that it had already submitted to its jurisdiction?

There are no sanctions. As I said, the Statute of the Court contemplates the possibility that a country does not appear. In that event, it cannot rule against it, but must verify that the applicant State has sufficient legal and evidentiary grounds. That remains to be seen and the burden falls on Nicaragua.

The scenario of the trial in absence, is not it very risky? And if Colombia regrets not appearing, can it request within a timeframe that it receive its arguments?

There are many options. Up to now the adopted one is that Colombia will not accept that its boundaries be modified by any means other than a treaty signed by it. Furthermore, nothing prevents Colombia from presenting, in a white paper, what its legal arguments are before the international community, if it so wishes.

One supposes that dominant states in the world stage like the United States or China can afford not to abide rulings, but weak nations like Colombia, are they not more vulnerable in the international justice system?

In the examples I have given (see top of page) there are countries that are not so powerful. The essential thing is that Colombia maintains the united front that has been created as a result of the ruling.

Are we not postponing a problem that, later, will be more difficult and expensive to confront?

I do not think so. What Colombia is doing is not exposing its rights and interests to a huge risk, given the changes in jurisprudence and the lack of respect to the rulings by the Court itself.

Do you suggest or clearly state that the ICJ created legal uncertainty because of this decision?

I respond with another quote from the same magistrates who saved the Court vote in favor of Colombia: "Not only does the rejection of Colombia's third preliminary objection constitute a distorted reading of the Court's judgment in the territorial and maritime dispute between Nicaragua and Colombia, but also undermines the values of legal stability and the final nature of sentences, which are protected by the principle of res judicata".

So, how do you explain, from a legal, non-political point of view, the current pronouncement of the ICJ?

It's inexplicable. And it's so debatable that that's why there was a draw.

In the lawsuit in which Nicaragua requests that Colombia be compelled to comply with the 2012 ruling, it was foreseeable that the Court would declare its jurisdiction because it had already studied the case. Our objections were just a tactic?

It is in this lawsuit that there was a tie between the juries. The president of the Court voted in favor of Nicaragua and that is why the Court assumed jurisdiction. The other half of the Court not only endorsed Colombia, but warned, with vehemence, that this court was questioning the rules of the game on which its credibility depends as the highest judicial body of the UN.

Why can the president's vote break the tie, namely, that it is worth more than the other votes?

This is allowed by the Statutes of the Court.

But, if he had already taken a position, the tiebreaker was already marked.

As I say, this is allowed by the statutes. A tiebreaker by the president has only happened twice before and in both cases, the international controversy, due to your question, was intense and prolonged: 1966: Ethiopia and Liberia against South Africa. 1996: case on the

legality of the threat or use of nuclear weapons (advisory opinion requested by the UN General Assembly).

The most serious part of the lawsuit against Colombia is in which the ICJ is asked to delimit Nicaragua's continental platform beyond 200 nautical miles. Would that pretension, if favorable to the plaintiff, extend Nicaraguan sovereignty, say near Cartagena?

Nicaragua has not shown what it has or how far its extended platform reaches. It claims that it has 350 nautical miles from its coast. This would mean that the subsoil of Nicaragua would reach 316 kilometers from Cartagena.

Give me an example to imagine the distance we would be from foreign territory.

It is, more or less, the distance between Bogotá and Bucaramanga in a straight line. It means that the continental platform to which Colombia is entitled would be invaded. Clearly, that will not happen.

When President Santos affirms that we are not going to submit bilateral matters to third parties, does it imply that we will disavow, from now on, the treaties that the State has signed?

That position is consistent with what was said by the Constitution and the Constitutional Court regarding boundaries and limits: they can only be established or modified by means of a treaty. Regarding other issues of human rights or humanitarian law, Colombia's position is to accept that international treaties are part of the constitutional block and to remain part of the respective agreements, tribunals or bodies.

Division in the International Court of Justice

Although the president of the Court of The Hague, Ronny Abraham (of France, 2005-2018), broke the vote of the members of that court in favor of Nicaragua in one of its pretensions, the division among the magistrates that constitute it left doubts about the decision that ended up affecting Colombia.

The harshness of the legal confrontation was evident in the sentences of the toga magistrates that accompanied the Colombian position: "Nicaragua could not present evidence proving that it has a continental shelf that extends enough to overlap with Colombia's ownership of 200 nautical miles measured from the continental coast ... "

"The first and second petition (from Nicaragua) are precluded by the principle of res judicata and, therefore, should have been rejected as inadmissible."

"The incoherence of the majority (of the Court) is there for all to see." "One cannot knock on the door of the Court a second time with respect to a claim whose substance has already been examined ...".

"If the Court wants to be considered as such, it cannot be perceived as allowing states to raise the same controversies over and over again. This scenario would affect the certainty, stability and purpose that the judgments of this Court must provide. "

Disavowing the international courts - Have other nations ignored rulings by international courts?

Yes. Four of the five members of the Security Council have not appeared: France, the United States, Russia, and China. France: lawsuits against her from Australia and New Zealand for nuclear tests; United States: military and paramilitary activities in and against Nicaragua); Russia: request of provisional measures against it by the Netherlands for the release of Arctic Sunrise (of Greenpeace) and its crew; China: controversy in the South Sea, with the Philippines; Iran: United States diplomatic personnel in Tehran; Iceland: demands of Germany and the United Kingdom for fishing jurisdiction.

How long can the processing of these Nicaraguan demands last in the ICJ?

In the extended continental platform process, Nicaragua has not yet presented its legal arguments and evidence. Other countries that consider their rights affected could intervene. The above would increase the timeframes. And then, Colombia, even when not formally appearing, can express its position in defense of their rights. This would take, at least, two years. In the second case, that is, the alleged breach of the 2012 ruling, the process is more advanced.

<https://www.elspectador.com/entrevista-de-cecilia-oro-zco/carga-recae-sobre-nicaragua-manuel-jose-cepeda-articulo-623134>

ANNEX 31

List of Islands fringing Nicaragua's Caribbean mainland coast

LIST OF ISLANDS FRINGING NICARAGUA'S CARIBBEAN MAINLAND COAST

Location	Cays	Total
Off Gorda Point	unnamed	6
Off Monkey Point	Paxara Bovo Palmenta Cays Silk Grass Cay Frenchman's Cay Sister Cays (3) Pigeon Cay White Rock Guano Cay	10
Pearl Cays	Frenchman's Cay Sister Cays Pigeon Cay White Rock Guano Cay Maroon Cay Colombilla Cay Baboon Cay Lime Cay Vincent Cay Forster Cay Grape Cay Wild Cane Cay French Cay Water Cay Crawl Cay Buttonwood Cay Bill Bird Cays (3) Mangrove Cay Tungwarra Cay Little Tungwarra Cay- Askill Cay Little Askill Cay NE Cays	28
Tyra Cays	Little Tyra Cay Great King Cay Little King Cay Rocky Cays Great Tyra Cay Seal Cay Tyra Rock	12
Man of War Cays	Northwest Rock (2) Man of War Cays (4)	7

	Egg Rock	
Mosquito Cays	The Witties Ned Thomas Cay Nassa Cays (2) Lamarka Reef (3) Mosquito Cays (3) Waham cay Kisuro Cay Toro Cay Dry Rock Morrison Dennis Cays (6) Sucra Cay Old Mohegan Sand Cay Dennis Prong South Ham Cay Mid Ham Cay Edinburgh Cay (6)	32
Total number of Islands		95

ANNEX 32

Audio Transcriptions and Audio files

AUDIO TRANSCRIPTION
18/03/2015

CG - 401: Vessel of the Colombian Armada, Commander of the CG-401 speaking to you, I request that you identify yourself and tell me the objective of navigating in jurisdictional waters of the State of Nicaragua.

ARC – 54 of the Navy of Colombia, Commander of CG-401 speaking, I request that you identify yourself and tell me the objective of navigating in jurisdictional waters of the State of Nicaragua.

ARC Independiente, Commander of the CG – 401 speaking; good morning, I request that you tell me the objective of navigating in jurisdictional waters of the State of Nicaragua.

CG - ARC: Vessel of the Navy of Nicaragua 401, this is ARC Independiente, I inform you that you are in Colombian jurisdictional waters. The Colombian state has established that the ruling of The Hague is not applicable; therefore, the units of the Navy of the Republic of Colombia will continue to exercise sovereignty of these waters. I request that you inform me of your intentions.

CG - 401: Good morning, I inform you that the International Court of Justice is the body in charge of resolving border conflicts among States; in which case, it was resolved on November 19, 2012 and you are navigating in jurisdictional waters of the Republic of Nicaragua. Over

CG ARC: Again, I inform you that you are in Colombian jurisdictional waters, the Colombian State has established that The Hague ruling is not applicable, therefore the units of the Navy of the Republic of Colombia will continue to exercise sovereignty over these waters.

CG-401: Affirmative, I confirm and I repeat, the International Court of Justice is the body in charge of resolving border conflicts among States; in which case, it was resolved on November 19, 2012 and you are navigating in jurisdictional waters of the Republic of Nicaragua. Therefore, the units of the Naval Force of the Army of Nicaragua will maintain sovereignty in our restituted waters. Over

AUDIO TRANSCRIPTION
23/03/2015

CG - 401: Lucky Lady, Nicaraguan CG, copy

B/P LUCKY LADY: CG Lucky Lady

CG -. 401: Passing Chanel 14
Lucky Lady, Nicaraguan CG 401, copy

B/P LUCKY LADY: Continue

CG - 401: I want to communicate with the Captain of Lucky Lady.

B/P LUCKY LADY: You are speaking with him.

CG - 401: Good morning Captain, under what flag is your vessel fishing?

B/P LUCKY LADY: Good afternoon, this is a Honduran flag.

CG - 401: Correct Captain, I am detecting that you don't have any type of flag raised. Indicate, Over

B/P LUCKY LADY: You say flag?

CG - 401: Affirmative

B/P LUCKY LADY: Oh, negative, not now. Since the wind was blowing a bit hard a few days ago, there, negative right now I do not have it there. Over

CG - 401: Did you copy Captain; how many crewmen are on board?

B/P LUCKY LADY: We are a total of 14

CG - 401: Is the captain copied, under what authority do you carry out fishing activities in these waters?

CG 54 of the Colombian Navy enters the conversation:

ARC – 54: 401 this is 54 of the Colombian Army, continue.

CG - 401: Continue, Surface unit of Colombia, I am copying.

ARC – 54: I inform you that Lucky Lady is under the protection of the government of Colombia. It is carrying out work in the waters

that have not been recognized by Colombia under any situation.

So, I ask you please to refrain from any intention you have on that motorboat.

CG - 401: Correct Commander of the Colombian surface unit ARC-54, I inform you that the International Court of Justice is the body empowered to clarify the border, maritime issues between States and according to the ruling of the International Court of Justice of November 19 of the year 2012, this vessel is operating in jurisdictional waters of the Republic of Nicaragua; therefore, you are acting outside of any legal framework.

ARC – 54: Well, I inform you that the Colombian government has not abided by the ruling in The Hague; until that happens, the boats that are in the area, are under the protection of the government of Colombia. I invite you to maintain caution in these cases, keep the caution captain to avoid situations that you might regret later. Please refrain yourself from any intentions you have on that motorboat.

CG - 401: Copied captain, I make it clear that this vessel is fishing illegally since you cannot authorize them to be fishing here, in the area that are jurisdictional waters restored by the International Court of Justice, over and out.

**AUDIO TRANSCRIPTION
26/03/2015 (a)**

- CG – NIC: ... March of the year 2015, ARC –November 11, CG of Nicaragua. Over
- CG-ARC: CG of Nicaragua this is ARC –November 11. Received. Say
- CG – NIC: Good morning ARC –November 11, we inform you that you are in jurisdictional waters of the Republic of Nicaragua, I need to know what your intentions are.
- CG-ARC: CG ship of Nicaragua in coordinates 14° 58' 08"" N - 81° 41' 02" W, this is the ARC November 11, CG unit of the Navy of the Republic of Colombia, good morning. I inform you that I am in the Colombian Archipelago of San Andrés and Providencia, protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes. In case you need any kind of assistance we will stay in the area within any requirement and / or support you need.
- CG – NIC: This is the CG of Nicaragua, you are informed that you are outside the area corresponding to the Archipelago of San Andrés y Providencia that corresponds to the 12 NM. Therefore, you are located in the North latitude 14° 50' 00"- 81° 41' 00", in Nicaraguan jurisdictional waters.
- CG-ARC: **CG of Nicaragua, this is the ARC November 11, according to the Colombian government, the ruling of The Hague is inapplicable, which is why I am in the Colombian Archipelago of San Andrés y Providencia, carrying out the work that I already informed you and I invite you to maintain the caution required in these cases.**
- CG – NIC: This is the CG of the Republic of Nicaragua, we invite you also to maintain caution because you are in Nicaraguan jurisdictional waters and the State of the Republic of Nicaragua applies the ruling of the ICJ, in accordance with the historic law of the Republic of Nicaragua in its jurisdictional waters.
- CG-ARC: This is the ARC November 11, received. In the same manner, I repeat that in case of needing any kind of assistance we will remain in the area, attentive to any requirement or support.
- CG – NIC: We are in contact, good day.
- CG-ARC: Likewise, channel 16

AUDIO TRANSCRIPTION
26/03/2015 (b)

CG ARC: Captain, asking approximate amount of snail (seashell).

FB DOÑA EMILIA: 250 pounds -----

CG ARC: Captain, confirm the amount right now, how much snail (seashell) do you have on board?

FB DOÑA EMILIA: Ah, two ----- over

CG ARC: Received Captain, stay on this channel, we will give you instructions, continue.

FB DOÑA EMILIA: -----

CG ARC: Doña Emilia, vessel of the Colombian CG.

Motorboat Doña Emilia located at coordinates 14° 50' 2,98" N – 81° 47' 3,62" W, this is the vessel ARC – November 11, unit of the CG of the Navy of the Republic of Colombia. I inform you that you are in an area especially protected by the United Nations Organization for Education, Science and Culture (UNESCO), where the implementation of predatory fishing practices, such as fishing with divers, is not authorized. I invite you to suspend this harmful practice for the marine environment, changing it by authorized methods. Captain I ask if my instruction is clear.

As to the technique you are doing it with, it is totally prohibited anywhere because we are killing the species, regardless of the fishing license that a boat has, this practice is totally forbidden.

FB DOÑA EMILIA: ----- large vessel there -----

CG ARC: Captain, in addition to that, your country has a restriction, it has a ban from March 1, which forbids snail and lobster fishing. So even then, even in your country, this fishing is forbidden.

FB DOÑA EMILIA: -----

CG ARC: ----- Captain, this is to protect the species so that your children and mine have the possibility in the future of enjoying them and so that in the future, this area is totally free of this type of species. We need to preserve the species and not do it the way you are doing it

FB DOÑA EMILIA: -----

CG ARC: Doña Emilia, vessel of the CG of Colombia ----- are the instructions clear?

FB DOÑA EMILIA: -----

CG ARC: Received Captain, thank you.

**AUDIO TRANSCRIPTION
28/03/2015**

- CG - 401: Vessel of the Navy of Colombia, CG 401 here, Navy of Nicaragua. Over
- ARC 11NOV: CG of Nicaragua, good afternoon, received, go ahead and say.
- CG - 401: Good afternoon, the Commander of CG 401 speaking, who am I talking to?
- ARC 11NOV: Received Commander, the Commander of ARC 11 November speaking, vessel of the CG of the Colombian Navy.
- CG - 401: Correct, passing to Channel 14.
Vessel of the Navy of Colombia, CG 401 of Nicaragua speaking.
- ARC 11NOV: Received, good night, speak.
- CG - 401: Good night, I inform you that you are navigating in jurisdictional waters of the Republic of Nicaragua, according to the ruling of November 19, 2012.
- ARC 11NOV: CG of Nicaragua, this is vessel ARC 11 November, unit of the CG of the Navy of the Republic of Colombia, good afternoon. I inform you that I am in the Colombian Archipelago of San Andrés and Providencia, protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes. In case you need any type of assistance, we are willing to attend you here in the area and attentive to any other requirement or support required in the area.**
- CG - 401: I inform you that the International Court of Justice is the competent body to clarify boundary conflicts among States. Therefore, you are navigating in jurisdictional waters of the Republic of Nicaragua, under the ruling of the International Court of Justice of November 19, 2012. Over
- ARC 11NOV: Nicaraguan CG, I inform you that according to the Colombian government, the ruling of The Hague is not applicable; in the same manner, I invite you to maintain the caution required in these cases. Continue.

AUDIO TRANSCRIPTION
05/04/2015

CG – NIC: ARC San Andrés, this CG Tayacán from the Navy of the Army of Nicaragua.

CG-ARC: CG Tayacan, this ARC San Andrés, good morning; this is a unit of the CG of the Armada of the Republic of Colombia; I inform you that I am in the Colombian Archipelago of San Andrés and Providencia, protecting the historic fishing rights of the Colombian State and guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes. If you need any type of assistance, we will remain in the area attentive to any requirement or support. Continue

CG – NIC: This is CG Tayacán from the Navy of the Army of Nicaragua in Nicaraguan jurisdictional waters; we inform you that you are in Nicaraguan jurisdictional waters, outside of the Territorial Sea that corresponds to San Andrés and Providencia according to the ruling of the International Court of Justice. If you have any need, we are here to provide support.

CG-ARC: This is ARC San Andrés, received. I reiterate that we are in Colombian waters of the Archipelago of San Andrés and Providencia protecting historic fishing rights. I receive your proclamation and invite you to maintain the caution required in these cases. Continue.

CG – NIC: Fine; then, you are invited to be cautious as corresponds to these cases because the State of the Republic of Nicaragua acknowledges and abides by the ruling of the International Court of Justice. Very good morning. Over

CG – ARC: Very good morning. Chanel 16.

**AUDIO TRANSCRIPTION
07/04/2015 (a)**

CG – NIC: ...81°40'44" West, we do not represent any threat against your unit, at the same time, we inform you that we are in jurisdictional waters of the Republic of Nicaragua. Over

CG – ARC: Received; at this time, I remind you that You are navigating with drum lights within the vital circle of a warship... this represents a navigation hazard and you are within the San Andres and Providencia Archipelago. I invite you to stay calm and move away from my unit or you will be retained (AUDIO IS NOT CLEAR)

CG – NIC: ARC San Andrés, the Commander of the CG-405 Tayacán speaking, I repeat that that these vessels do not represent any threat to you; the State of the Republic of Nicaragua is characterized for being respectful of international laws and for living in harmony with the rest of the neighboring countries in our area. We inform you that we have no hostile act.

In the same manner, we are navigating in jurisdictional Waters of the Republic of Nicaragua.

CG – ARC: This is ARC San Andres, ... received your proclamation, while navigating with drum lights in the Caribbean Sea in the vital circle of a warship --- I request, for your safety in navigation, for safety to the integrity of our vessel in Colombia we don't use that ... that you move away from my unit or it will be considered a threat ... (AUDIO IS NOT CLEAR)

CG – NIC: I repeat once again, we are in Nicaraguan jurisdictional waters of the State of the Republic of Nicaragua, we do not wish to have any hostile action with a foreign ship in Nicaraguan jurisdictional waters and we are not approaching you, we are moving away.

CG – ARC: Received, I inform you that at this time your unit is 1.2 away from the ARC San Andrés, CG unit of the Republic of Colombia, it is located in jurisdictional waters of the Archipelago of San Andrés and Providencia, enforcing the historic rights of fishermen from the Republic of Colombia, I ask you to keep calm and get away from the position that you are in and you can connect yourof navigation ----- what you are saying in your words is not important, it is a threat because you intend to pass near me with drum lights.

CG – NIC: I repeat once again, we are not approaching you, we are navigating at away from you.

CG – ARC: This is the ARC San Andrés, received ... you are navigating with drum lights at a distance of plus one mile from my position ... in case that distance is reduced, it is going to (AUDIO IS NOT CLEAR)

CG - NIC: Once again, you are informed that we are navigating peacefully in Nicaraguan jurisdictional waters, I am moving away from your position.

CG – ARC: This is ARC San Andrés ---- received, I request permission to navigate

CG – NIC: Thank you very much.

GC - ARC: **I request permission to navigate, to respect the safety of human life in view of the international rules of the international maritime organization ----- and treaties ...**

CG – NIC: If you observe carefully, you will find my green light. Over

AUDIO TRANSCRIPTION
07.04.2015 (b)

GC - ARC: --- Nicaraguan Naval Force Tayacán, this is the vessel ARC San Andrés, CG unit of the Republic Navy of Colombia, good morning, I inform you that I am in the Colombian Archipelago of San Andrés and Providencia, defending the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes. If you need any assistance we will remain in the area attentive to any requirement or support, continue.

CG - NIC: ARC - San Andrés, good morning, this is the CG of the Naval Force of the Army of Nicaragua, you are informed that you are in jurisdictional waters of the Republic of Nicaragua, waters restored by the International Court of Justice in historic rights that the Nicaraguan State has over these jurisdictional waters.

You are informed that if you are carrying out operations against crimes of common origin that require approval by the State of the Republic of Nicaragua, then you are informed that it must be approved by the State of the Republic of Nicaragua; as such, if you are performing this type of operations, you are informed that they must be approved by the State of the Republic of Nicaragua in order to carry them out in jurisdictional waters of the Republic of Nicaragua. Over

CG-ARC: Tayacán, this is ARC San Andrés, coastguard unit of the Armada of the Republic of Colombia, received your proclamation. I confirm that I am in the Colombian Archipelago of San Andrés and Providencia, protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes. I invite you to maintain the caution required in these cases. Continue.

CG - NIC: Likewise, you are reminded to maintain caution as the case merits, since you are outside the limit that corresponds to the 12 NM of the islands of San Andrés and Providencia. Good morning. Over

CG – ARC: Nicaraguan Naval Force Tayacan, this is ARC San Andrés, received your proclamation, stay on channel 16. Reiterating that we are in jurisdictional waters of San Andrés and Providencia, thank you very much, good day.

AUDIO TRANSCRIPTION
13/07/2015 (a)

CG – ARC: Fishing type motorboat with black hull, white structure that is in position latitude 14° 45.6' N - Length 81° 40.7' W, course 280, speed 2 knots, this is a Unit of the Republic of Colombia, continue.

FB KEEN: -----

CG – ARC: Fishing type motorboat with black hull, white structure that is in position latitude 14° 45.6' N - Length 81° 40.7' W, course 180, speed 3 knots, this is a unit of the Republic of Colombia, continue.

FB KEEN: -----

CG – ARC: Fishing type motorboat with black hull, White structure that is in position latitude 14°45' N – longitude 81°40' W, course 180, speed 3.5 knots, this is a unit of the Republic of Colombia, continue.

FB KEEN: Navy ship of the Republic of Colombia, continue.

CG – ARC: Say the name of the vessel please.

FB KEEN: Captain Keen, over.

CG – ARC: -----

FB KEEN: Good, thank you, well, this is a Nicaraguan flagship.

CG – ARC: -----

FB KEEN: Sierra Smith of Nicaraguan nationality.

CG – ARC: -----

FB KEEN: Identification Number 6082006840000A.

CG – ARC: -----

FB KEEN: Honduran, over.

CG – ARC: -----

FB KEEN: Port of Corn Island, over.

CG – ARC: -----

FB KEEN: 14:43, over.

CG – ARC: -----

FB KEEN: The same, Port of Corn Island, over.

CG – ARC: -----

FB KEEN: Lobster with trap.

CG – ARC: -----

FB KEEN: 13 of this same month, of July.

CG – ARC: -----

FB KEEN: We don't know the time.

CG – ARC: -----

FB KEEN: Yes, we are pending, over.

CG – ARC: -----

FB KEEN: 2,500, over.

CG – ARC: -----

FB KEEN: Negative, over.

CG – ARC: -----

FB KEEN: Negative, none, civilian boat working, over.

CG – ARC: -----

FB KEEN: Thank you Captain, have a nice day.

CG – ARC: -----

FB KEEN: ----- You can come closer.

CG – ARC: -----

FB KEEN: Have a nice day, pending.

**AUDIO TRANSCRIPTION
13/07/2015 (b)**

CG-ARC: ----W, course 029, speed 7 knots, this is a unit of the Navy of the Republic of Colombia, continue.

FB - SNYDER: -----

CG – ARC: Motorboat in position latitude 14°41.5' N – longitude 81°39.2' W, course 029, speed 5 knots, this is a unit of the Navy of the Republic of Colombia, continue.

FB-SNYDER: Go ahead, over.

CG – ARC: Good morning, please, what is the name of the vessel? Continue.

FB - SNYDER: -----

CG – ARC: We did not understand, confirm the name of the vessel, continue.

FB SNYDER: -----

CG – ARC: Motorboat SNYDER, this is the Coastguard of Colombia, continue.

FB SNYDER: -----

**COASTGUARD OF NICARAGUA INTERRUPTS CONVERSATION TO REAFFIRM ITS
JURISDICTION**

**COASTGUARD OF COLOMBIA CONTINUES INTERROGATING THE NICARAGUAN
BOAT**

CG – ARC: Captain good morning, interrogative, what is the port of authority of the boat? Over.

FB SNYDER: -----

CG – ARC: Confirm your identification number.

FB SNYDER: -----

CG – ARC: Captain, what is your port of authority? Over.

FB SNYDER: -----

CG – ARC: Confirm your port of authority.

FB SNYDER: -----

CG – ARC: Captain, good morning, interrogative, what is the port of authority of the vessel.

FB SNYDER: -----

AUDIO TRANSCRIPTION
12/09/2015 (a)

- CG-405: Motorboat Miss Dolores, this is BL – 405, copy.
- CG ARC: This is the CG of the Navy of the Republic of Colombia, good afternoon, I inform you that I am in the Colombian Archipelago of San Andres and Providencia protecting the historical fishing rights of the Colombian State, guaranteeing the safety of all vessels present in the area. I inform you that you are not authorized by the Colombian government to exercise the right to visit the Miss Dolores motorboat that fishes for the Colombian State. I ask you to stay away from this vessel, we will remain in the area to guarantee the protection of said motorboat. I invite you to maintain the caution required in these cases.
- CG-405: ARC-46, this is the Logistic Ship 405 of the State of Nicaragua, I repeat, I am navigating in the waters restored to the State of Nicaragua, therefore I am in full faculty to approach the boats that are in the waters restored to the State of Nicaragua.
- CG ARC: Logistic Ship 405 Tayacán of the Nicaraguan Naval Force, this is the Coast Guard of the Navy of the Republic of Colombia, good afternoon. I inform you that I am in the Colombian Archipelago of San Andres and Providencia protecting the historical fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area, you have not been authorized by the Colombian government to exercise visitation rights on the Miss Dolores flagship of Tanzania, which is fishing for the Colombian government. I ask you to stay away from the boat, we will remain in the area to guarantee its protection. I invite you to maintain the caution required in these cases, follow.**
- CG-405: ARC-46, this is the 405 Logistic Ship, I repeat, I am in the waters restored to the State of Nicaragua; if the Miss Dolores vessel were authorized by the State of Nicaragua to fish in these waters, it does not have any problem.
- CG ARC: Logistic Ship 405 Tayacán of the Nicaraguan Naval Force, this is the Coast Guard of the Navy of the Republic of Colombia, good afternoon. I inform you that I am in the Colombian Archipelago of San Andrés and Providencia protecting the fishing rights of the Colombian State, guaranteeing the safety of all vessels present in the area, you have not been authorized by the Colombian government to exercise the right of visit on the Miss Dolores flagship of Tanzania, which is fishing for the Colombian government. I ask you to stay away

from said vessel, we will remain in the area guaranteeing the protection of said motorboat. Also, I reiterate, I invite you to maintain the caution required in these cases. Continue

CG-405: ARC-46, this is the Logistic Ship 405, I repeat, I am in Waters restituted to the State of Nicaragua. Over

CG ARC: Logistic Ship 405, Tayacán of the Nicaraguan Naval Force, I inform you that you have not been authorized by the Colombian government to exercise the right to visit the motorboat Miss Dolores with flag from Tanzania, which is fishing for the government of Colombia. I request that stay away from the vessel; we will remain in the area guaranteeing the protection of said motorboat. Once again, I reiterate, I invite you to maintain the caution required in these cases. Continue

CG-405: ARC-46, this is Logistic Ship 405; we are navigating in waters restituted to the State of Nicaragua, our vessel will remain in this area to safeguard the sovereignty and safety of the vessels that are fishing with the authority of the State of Nicaragua. Over

CG ARC: Nicaraguan, I understand that you will not exercise the right to visit onboard the motorboat Miss Dolores with flag from Tanzania, which is authorized by the Government of Colombia, continue

CG-405: Copied

AUDIO TRANSCRIPTION
12/09/2015 (b)

- CG ARC: **Logistic Ship 405 Tayacán of the Nicaraguan Naval Force, this is the CG of the Republic of Colombia, good afternoon, I inform you that I am in the Colombian Archipelago of San Andrés and Providencia protecting the historical fishing rights of the Colombian State, guaranteeing the security of All vessels present in the area, you have not been authorized by the Colombian government to exercise the right to visit the motorboat Miss Dolores, I ask you to stay away from the boat, we will remain in the area to ensure their protection.**
- CG-405: ARC-46, this is Logistic Ship 405 of the State of Nicaragua. I inform you that I am navigating in waters restituted to the State of Nicaragua.
- CG ARC: Logistic Ship 405 Tayacan, of the Nicaraguan Naval Force, this is the CG of the Navy of the Republic of Colombia, good afternoon. I inform you that I am in the Colombian Archipelago of San Andrés y Providencia protecting the historical fishing rights of the Colombian State, guaranteeing the safety of all vessels present in the area. You have not been authorized by the Colombian government to exercise the right to visit on the motorboat Miss Dolores, I ask you to stay away from the boat, we will stay in the area to guarantee its protection.
- CG-405: ARC-46, this is the Logistic Ship 405, I repeat, I am navigating in the waters restored to the State of Nicaragua and I am exercising sovereignty. I am also safeguarding the security to all fishing vessels that are authorized to fish in the restored waters to the State of Nicaragua. Over
- CG ARC: This is the CG of the Navy of the Republic of Colombia, we will remain contact in channel 16
- CG-405: ARC 46, this is the Logistic Ship 405, copied.

AUDIO TRANSCRIPTION
12/09/2015 (c)

CG ARC: ---- Nicaraguan, this is the CG of the Republic of Colombia. I inform you that I am in the Colombian Archipelago of San Andrés y Providencia protecting the historical fishing rights of the Colombian State, guaranteeing the safety of all vessels present in the area. I reiterate, you have not been authorized by the Colombian government to exercise the right of visit on the motorboat Miss Dolores, I ask you to stay away from said vessel. We will remain in the area to guarantee its protection. This is the Coast Guard of the Republic of Colombia, continue.

CG-405: ARC-46, this is the Logistic Ship 405 of the State of Nicaragua, I repeat, I am exercising sovereignty in the waters restored to the State of Nicaragua, therefore I will remain in the area protecting all the fishing boats authorized by the State of Nicaragua to fish in this area, copy.

CG ARC: Logistic Ship 405 Tayacán, of the Nicaraguan Naval Force. Received.

AUDIO TRANSCRIPTION
12/09/2015 (d)

CG ARC: ----- of the Nicaraguan Naval Force, I repeat, you have not been authorized by the Colombian government to exercise the right of visit to the motorboat Miss Dolores of the Tanzanian flag fishing for the government of Colombia, I ask you to keep away from this boat. We will remain in the area guaranteeing the protection of said motorboat. I reiterate, I invite you to maintain the caution required in these cases. This is the Coast Guard of Colombia, continue.

AUDIO TRANSCRIPTION
12/09/2015 (e)

FB M. Dolores: Thank you, we finished our work for the day. We are anchored here waiting for tomorrow. Over

CG ARC: Ah, good captain, perfect. Then you will stay at the point. I question if you are well, if you have some novelty of some special situation.

FB M. Dolores: Negative, thank you, all is well, thank you.

CG ARC: Received Miss Dolores, thank you very much, we are here for you. We will remain on contact channel 16, if you have any need, do not hesitate to call us, this is the CG from Colombia, out and over

FB M. Dolores: --- we will call you in case of anything, good afternoon to all.

**AUDIO TRANSCRIPTION
12/01/2016 (a)**

FB Observer: ----- this is the Observer boat

CG NIC: Good afternoon capi, Lieutenant Juarez greets you here, Commander of the Nicaraguan Patroller; tell me where you are from? Over

FB Observer: **We are from Honduras but we have a fishing permit from Colombia.**

CG NIC: Ok, you are of Honduran nationality and with a fishing permit from Colombia.

FB Observer: Right, with all of the boat and the crew.

CG NIC: Are the crew members also Honduran?

FB Observer: **Honduran and half Colombian.**

CG NIC: Ok, from which port did you leave Captain?

FB Observer: From San Andres, we left on December 27.

CG NIC: Very well, tell me your name please.

FB Observer: Tito Velázquez Cueva

CG NIC: Ok, how many members does your crew have, Captain?

FB Observer: 15 on board, including myself.

CG NIC: OK, do you fish with a net?

FB Observer: Right, with a net.

CG NIC: Ok, very well. You are navigating in waters of the Nicaraguan State and your fishing permit is from Colombia, therefore, we inform you that you are in Nicaraguan territorial waters.

FB Observer: Fine Sir, I did not know it.

CG NIC: That's right Captain, these waters belong to the Republic of Nicaragua. These waters were restituted to the Nicaraguan State by a ruling of the International Court of Justice on November 2012. In any

case, if you wish to fish in this sector, you must contact the Nicaraguan authorities.

FB Observer: Ok, so we are not authorized to work? The vessels in Colombia are not authorized to work here?

CG NIC: You must be authorized by the Nicaraguan State; many foreign vessels are here with a permit; all permits must be requested from the State of Nicaragua and they do their fishing tasks in these waters.

FB Observer: **Right, well, now we understand. So, I did not know because the Colombian authorities allowed us to come and fish. They ordered us to come and work here.**

CG NIC: Right, the thing is that they grant authorization under the concept that they do not acknowledge the rulings of the International Court of Justice. But that is their problem, if they don't accept it.

The problem is that the entire world and the International Court ratified that these are Nicaraguan waters.

FB Observer: Understood, we are now aware.

CG NIC: Ok, over and out.

AUDIO TRANSCRIPT
12/01/2016 (b)

- CG – NIC: Observer fishing boat, this is the Nicaraguan CG, hello.
- CG – ARC: Nicaraguan patrol boat, this is the coastguard vessel of the Navy of the Republic of Colombia, continue.
- CG – NIC: Observer fishing boat, hello, this is the Nicaraguan coastguard.
- CG – ARC: Nicaraguan patrol boat, this is the coastguard vessel of the Navy of the Republic of Colombia, continue.
- CG – NIC: Good evening vessel of the Colombian Navy, this is the Nicaraguan coastguard vessel.
- CG – ARC: Good evening Nicaraguan patrol boat, I inform you that I am in the Colombian Archipelago of San Andres and Providencia, protecting the historic fishing rights of the State of Colombia, guaranteeing the security of all vessels in the area and implementing operations against transnational crime. In case you need any type of assistance, we will remain attentive to any requirement or support.
- CG – NIC: Good evening Colombian patrol boat, Lieutenant Juarez greeting you, Commander of the Nicaraguan patrol boat. Consequently, I inform you that you are navigating in waters belonging to the Nicaraguan State; the International Court of Justice restituted these waters by its ruling, so we ask you please to remain away from our waters. We are likewise attentive to any of your requirements.
- Observer fishing boat, this the Nicaraguan patrol boat.
- CG – ARC: Nicaraguan patrol boat, this is the vessel of the Navy of the Republic of Colombia. I inform you that the motorboat Observer is authorized to fish in this area by the Colombian maritime authority, according to the historic fishing rights of the State of Colombia.
- CG – NIC: Right Commander, likewise, I inform you that this vessel, this fishing boat is fishing in Nicaraguan waters; these waters were restored to the Nicaraguan State in November of the year 2012 and this boat, this boat is fishing in our waters, it is carrying out illegal fishing activities. We ask that it please leave our waters because it is committing illegal fishing crimes.
- Observer fishing boat, we ask you to please leave our waters, informing you that you are navigating and carrying out illegal fishing activities in Nicaraguan waters. We ask you to please leave toward

Honduran waters. In any case, if you wish to fish in these waters, address the Nicaraguan authorities so that you can continue fishing activities in this area.

CG – ARC: **Nicaraguan Patroller, I inform you that the Observer and all Colombian vessels that are in the area are authorized by the Colombian General Maritime Directorate to carry out fishing activities in the area.** At the moment, we are protecting the historic fishing rights of the Colombian State and guaranteeing the security of all vessels in the area, as well as implementing operations against transnational crimes. In case of needing any kind of assistance we will remain attentive to any requirement.

CG – NIC: Well, the requirements that I want and the requirements that we need, are that they leave our waters, since they are committing a crime that is called illegal fishing, which is being endorsed by the Colombian surface unit. We also ask you to intercede and talk with them and tell them to leave our waters. These waters belong to the Nicaraguan State and they are committing the crime of illegal fishing. In any case, if they want to carry out fishing work in this area, they have to contact the Nicaraguan authorities. Colombia is not authorized to give fishing permits in Nicaraguan waters, the fishing permits in Nicaraguan waters can only be granted by the Nicaraguan State. We will remain in the area, we will remain attentive to any of your requirements, and I also informed the Observer fishing boat to stay away from our waters.

AUDIO TRANSCRIPTION
13/01/2016 (a)

- CG - NIC: Colombian Navy ship, this is the Nicaraguan Coast Guard. Over.
- CG - ARC: Nicaraguan Coastguard, this is the ship of the Colombian Navy, let's change to 14.
- CG - NIC: Ship of the Colombian Navy, this is the Nicaraguan Coastguard.
- CG ARC: Received, continue. Nicaraguan ship this is the ship of the Colombian Navy.
- CG-NIC: Good morning Commander, Lieutenant Juarez greets you, Commander of the Nicaraguan patroller. With whom do I have the pleasure?
- CG ARC: Good morning, this the ship of the Colombian Navy, Coastguard unit of the Navy of the Republic of Colombia, I inform you that I am in the Colombian Archipelago of San Andrés and Providencia, protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes.
- CG - NIC: Right Commander, likewise here, the Commander of the Nicaraguan patroller informs you that you are navigating in Nicaraguan waters, violating our sovereignty, our maritime space, and you are coming to close to our positions, we ask you to please remain at a distance.
- CG ARC: Received Nicaraguan unit, I remind you that I am in the Colombian Archipelago of San Andres and Providencia protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area and implementing operations against transnational crime. In case you need any type of assistance, we will remain in the area, attentive to any requirement or support.
- CG-NIC: Well, Lastly, I inform you that you are violating the sovereignty of the Nicaraguan State, these waters belong to the State of Nicaragua, which were restituted by the International Court of Justice on November 19, 2012, in which the maritime spaces of the Nicaraguan State were restituted and your vessel is violating our sovereignty; we ask you to stay away from our positions, and we will also be ready for any of your requirements.
- CG ARC: Received, I remain pending, channel 16.
- CG-NIC: Ok, Commander, good morning.

AUDIO TRANSCRIPTION**13/01/2016 (b)**

- CG-NIC: Go ahead patroller of the Navy of the Republic of Colombia, this is the Nicaraguan Coastguard General Jose Dolores Estrada.
- CG ARC: Nicaraguan patroller, this is the ship of the Navy of the Republic of Colombia, I inform you that I am in the Colombian Archipelago of San Andrés and Providencia protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels in the area and implementing operations against transnational crime. In case you need any type of assistance, we will remain the area attentive to any requirement or support.
- CG-NIC: Right Commander, the requirement and support I need for now is that the motorboat Observer abandon the Nicaraguan territory and direct themselves to their respective waters. Your surface unit of the Colombian Navy and the fishing vessel Observer are in Nicaraguan territory is carrying out the transnational crime of illegal fishing, equally violating the sovereignty of the Nicaraguan State.
- CG ARC: Nicaraguan patroller, this the ship of the Navy of the Republic of Colombia, I inform you that I am in the Colombian Archipelago of San Andrés and Providencia, protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes. **The motorboat Observer is authorized by the Colombian General Maritime Directorate to carry out fishing manoeuvres in the area.**
- CG-NIC: The fishing vessel Observer must request its fishing permit from the General Directorate of Water Transportation of Nicaragua, at INPESCA; the Nicaraguan State has not granted permission or license to this motorboat to carry out fishing activities in this area. I inform you that this vessel is fishing in Nicaraguan territory, it is committing illegal transnational piracy and illegal fishing, is navigating in the coordinates 14° 42' 35" N - 81° 42' 42" W, full territory of the Nicaraguan State.

The Nicaraguan State has not granted a fishing license to this motorboat, we ask you please in one of our requirements and our assistance is to speak with this motorboat so that it leaves our waters, equally its surface unit is harming and is violating the sovereignty of the Nicaraguan State. My surface unit General José Dolores Estrada with my crew, we are fulfilling what the law sends us and the country demands of us, to defend the sovereignty of the Nicaraguan State and we will do it with firmness and acting with great caution. We ask

you please to speak with the Observer motorboat to leave our territory.

CG ARC: Nicaraguan patrol boat, this is the ship of the Republic of Colombia Navy, I inform you that I am in the Colombian Archipelago of San Andres and Providencia protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes.

AUDIO TRANSCRIPTION

CG-405: Capitán Geovanie, CG – 405

FB Geovanie: Forward

CG – 405: Good morning Captain, this is CG – 405; can you grant me an interview, some questions?

FB Geovanie: Right

CG – 405: Name of the Captain?

FB Geovanie: Simón Alberto Miller

CG – 405: How many crewmen are navigating?

FB Geovanie: 14, with me, 15.

CG – 405: Port of departure?

FB Geovanie: San Andrés Island, Colombia.

CG-405: On what date did you depart?

FB Geovanie: November 05, 2016

CG – 405: Position that appears on your GPS?

FB Geovanie: 14°39'47" – 81°45'21".

CG – 405: Right Captain, I remind you that you are navigating in jurisdictional Waters of Nicaragua, restituted by the ICJ of The Hague. Indicate if you copy.

FB Geovanie: Copied.

CG – 405: Do you have a fishing permit to work in these waters?

FB Geovanie: That's right.

CG – 405: Please give me your fishing permit number Captain?

FB Geovanie: Departure Number 214752, authorized to work in these Waters by the Captainship of San Andres Island.

CG-405: Do you know that you are working in Nicaraguan waters?

FB Geovanie: Well, if you say so, we will inform the shipowner.

CG – 405: Right, we will remain in the area to pass indications to our high command.

FB Geovanie: Well, in any case, we will be working in the area.

AUDIO TRANSCRIPTION
06/01/2017 (b)

CG – 405: Capitán Geovanie, Nicaraguan CG

FB Geovanie: -----.

CG – 405: Right Captain, I inform you that you are fishing illegally in Nicaraguan waters. I inform you that the only authority is Nicaragua for fishing permits in this area. Indicate whether you are copying me.

FB Geovanie: -----

CG – 405: I repeat Captain, abandon this area, you are not authorized to carry out fishing activities in these waters; the only maritime authority is the Republic of Nicaragua, which grants permits for fishing activities in this area.

FB Geovanie: Who says that?

CG-405: I repeat Captain, you are navigating in jurisdictional waters of the Republic of Nicaragua, restituted by the International Court of Justice in The Hague.

FB Geovanie: You are thieves, that does not belong to Nicaragua.

CG-ARC: Good afternoon, I inform you that I am in the Colombian Archipelago of San Andres and Providencia protecting the historic fishing rights of the Colombian State, guaranteeing the security of all vessels present in the area.

CG – ARC: Nicaraguan warship, this is the CG of the Navy of the Republic of Colombia, good afternoon. I inform you that I am in the San Andres and Providencia Archipelago protecting the historical fishing rights of the Colombian State, guaranteeing the safety of all vessels present in the area.

CG – 405: Vessel of the Navy of the Republic of Colombia, this is Nicaraguan CG 405. I remind you that you are navigating in Nicaraguan waters, restituted by the ICJ of The Hague.

CG – ARC: Nicaraguan vessel, this is the CG of the ARC. I inform you that I am in the San Andres and Providencia Archipelago protecting the historical fishing rights of the Colombian State, guaranteeing the safety of all vessels present in the area.

CG - 405 Vessel of the Navy of the Republic of Colombia, this is CG 405 of the Republic of Nicaragua. I remind you that you are navigating in Nicaraguan waters, restituted by the ICJ of The Hague.

CG – ARC: Nicaraguan warship, this is the CG of the Navy of the Republic of Colombia, good afternoon. I inform you that I am in the San Andres and Providencia Archipelago protecting the historical fishing rights of the Colombian State, guaranteeing the safety of all vessels present in the area.

AUDIO TRANSCRIPTION
06/01/2017 (c)

CG – ARC: Can you illustrate if the boat named Tayacán has told you what their intentions are in regards to you?

FB Geovanie: No, they haven't said anything, only that we are in Nicaraguan waters; that is all they were saying but he wasn't receiving you very well because it was getting cut.

CG – ARC: Motorboat Geovanie, confirm if vessel 405 is interrupting your fishing activities.

FB Geovanie: No, so far, they are asking that we are in Nicaraguan waters, that's all they have said.

CG – ARC: Received, Capitán Geovanie, this is the CG of Colombia, upon receipt proceed and continue your fishing task, you are in historically Colombian waters and our duty is to protect your task.

FB Geovanie: Ok, copy, we are going to work here today.

CG – ARC: Received

**AUDIO TRANSCRIPTION
06/01/2017 (d)**

- CG – 405 Coast Guard of the Colombian Navy, this is Nicaraguan CG 405.
- CG – ARC: **Received CG-405, this is the CG of Colombia, upon receipt, proceed to abort any attempt to board and any attempt to abort the fishing of the Capitán Geovanie motorboat, you are at 150 yards from the motorboat.**
- CG - 405: Good morning Colombian CG, this is CG – 405; we indicated to the Captain of FB Capitán Geovanie that they are fishing illegally in jurisdictional waters of the Republic of Nicaragua. Indicate
- CG – ARC: **Received, Capitán Geovanie is authorized by the Colombian maritime authority, fishing in historically Colombian waters.**
- CG – 405 Correct, Colombian Coast Guard, this is the CG - 405, it is indicated to you that you are also navigating in waters of the jurisdiction of the Republic of Nicaragua, restored by the ICJ of The Hague, therefore you must attend the indications with respect to to what FB Capitán Geovanie was told.
- CG – ARC: This is the CG of Colombia, received. I inform you that I am in the Colombian Archipelago of San Andres and Providencia protecting the historical fishing rights in the Colombian State.
- At this moment we have made four warnings where you are aborting legal fishing maneuvers of the fishing motorboat for the Colombian flag, Capitán Geovanie.**
- CG - 405: Received, Colombian CG, I indicate that the intentions of CG-405 is inform the boat's Captain to stop working because he is carrying out illegal fishing activities.
- CG – ARC: **Received, copied. The intention of the Colombian CG is to protect Capitán Geovanie motorboat to continue fishing activities in historical Colombian waters. Continue**
- CG - 405: Received, Colombian CG, I inform you that FB Capitán Geovanie has not been boarded, nor will it be boarded by CG-405. Indicate
- CG – ARC: **Received, in plain sight I observe 150 yards of distance to the ship Capitán Geovanie, preventing his free fishing task.**

- CG – 405 Received, CG from Colombia, this is the CG-405, we are telling the captain of FB Capitán Geovanie that he is carrying out illegal fishing, therefore it must give up fishing and must navigate Colombian waters, indicate.
- CG – ARC: **Copied, CG of Colombia, it is indicating to motorboat Capitán Geovanie its guaranteed rights and safety to fish in historically Colombian waters.**
- CG - 405: Correct, Colombian CG, this is the CG - 405, we are going to remain in the area, we are going to give it a space and we are going to stay in the area to certify that the FB leaves the area, indicate.
- CG – ARC: **Copied, I confirm at once the vessel will remain in the area continuing with its fishing task authorized by the Colombian maritime authority. I request that you stay away from the motorboats that fish for the Colombian authority.**
- CG - 405: Received, Colombian CG; this is CG-405 of Nicaragua, we will remain in the area and will continue to communicate.
- CG – ARC: Coastguard of Colombia, motorboat Capitán Geovanie.
- FB Geovanie: Continue
- CG – ARC: **Confirm there once received; proceed with your task, this is the CG of Colombia, we are attentive to any report, guaranteeing your safety in the area.**
- FB Geovanie: Copied
- CG-ARC: Received

**AUDIO TRANSCRIPTION
06/01/2017 (e)**

FB Observer: For today. Over

CG – ARC: Excellent, I am very glad. Observer, I request you give me your position.

FB Observer: Right now, we are at **14°43'00" N – 81°45'00" W**

CG – ARC: **Received capi, we are here verifying and watching over the safety of you and your crew, if anything happens, we are in contact with by this means.**

FB Observer: Thanks, we are, QAP.

CG – ARC: Amex - 1 follow for CG of Colombia.

FB Amex: Good afternoon, officer, all right here, thank you, we are here already at anchor, **14° 48' 00" N - 81° 42' 00" W**

CG – ARC: **Amex, good afternoon, likewise, I received there the information you just gave me, anything or special situation please let us know, we will be attentive to your situation in the area.**

FB Amex:

AUDIO TRANSCRIPTION
17/04/2017

- CG – 401: April 17, 2017, 08:17 hours, position 14°36'50" – 81° 47'34" O, Conversation with a Colombian Surface unit: exercising sovereignty over Nicaraguan maritime spaces, according to the rulings of the International Court of Justice of November 19, 2012, specify whether you copied.
- CG - ARC: Nicaraguan patrol boat this is the Coast Guard of the Armada of the Republic of Colombia, very good afternoon. I inform you that I am in the Colombian Archipelago of San Andrés and Providencia, protecting the historic fishing rights of the Colombian State and guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes. In case of needing any kind of assistance, we will remain in the area attentive to any requirement or support.

AUDIO TRANSCRIPTION
17/04/2017

CG – 401: April 17, 2017, 13:19 hours, position 14°48' N – 81° 53' O, Conversation with the Colombian Coast Guard:

Coastguard of Colombia, patrol boat of the Nicaraguan naval force here, Coast Guard 401; we are exercising sovereignty over Nicaraguan jurisdictional waters, according to the ruling of the International Court of Justice of November 19, 2012, specify.

CG - ARC: Nicaraguan patrol boat, this is the Coast Guard of the Armada of the Republic of Colombia, good afternoon. I inform you that I am in the Colombian Archipelago of San Andrés y Providencia, protecting the historic fishing rights of the Colombian State and guaranteeing the security of all vessels present in the area and implementing operations against transnational crimes, in case of needing any kind of assistance, we will remain in the area attentive to any requirement or support.

CG - 401: Correct Coast Guard of Colombia, indicate your call sign there. Around here Coast Guard of the Nicaraguan Naval Force GC – 401 here, what is your telling? Over

CG-ARC: Coast Guard of the Armada of the Republic of Colombia Navy, specify.

CG-401: It does not have a numeral, it does not have an indicative.

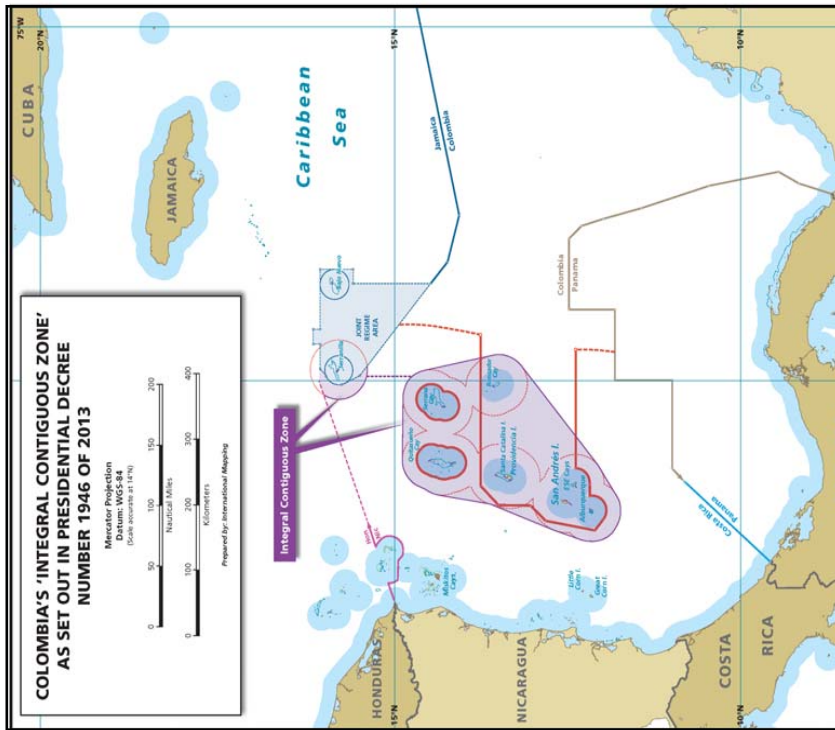
CG-ARC: -----

CG -401: Right, coastguard of Colombia, I reiterate that we are exercising sovereignty over Nicaraguan maritime spaces, over our jurisdictional waters according to the ruling of the International Court of Justice of November 19, 2012. We will be sailing through these waters making sovereignty, over.

CG-ARC: Received.

ANNEX 33

Figures

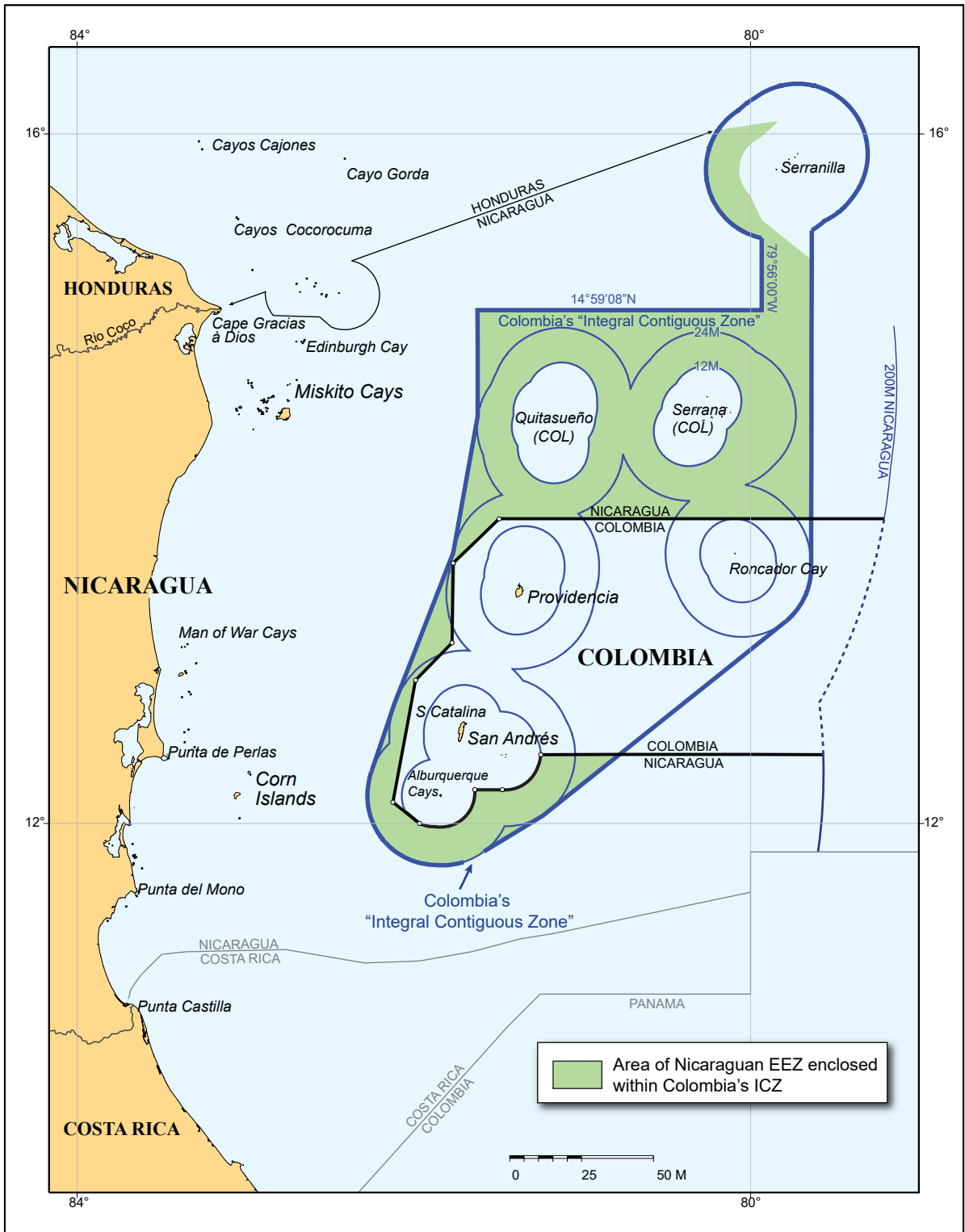


(b) CCM, Figure 5.1 (excerpt)



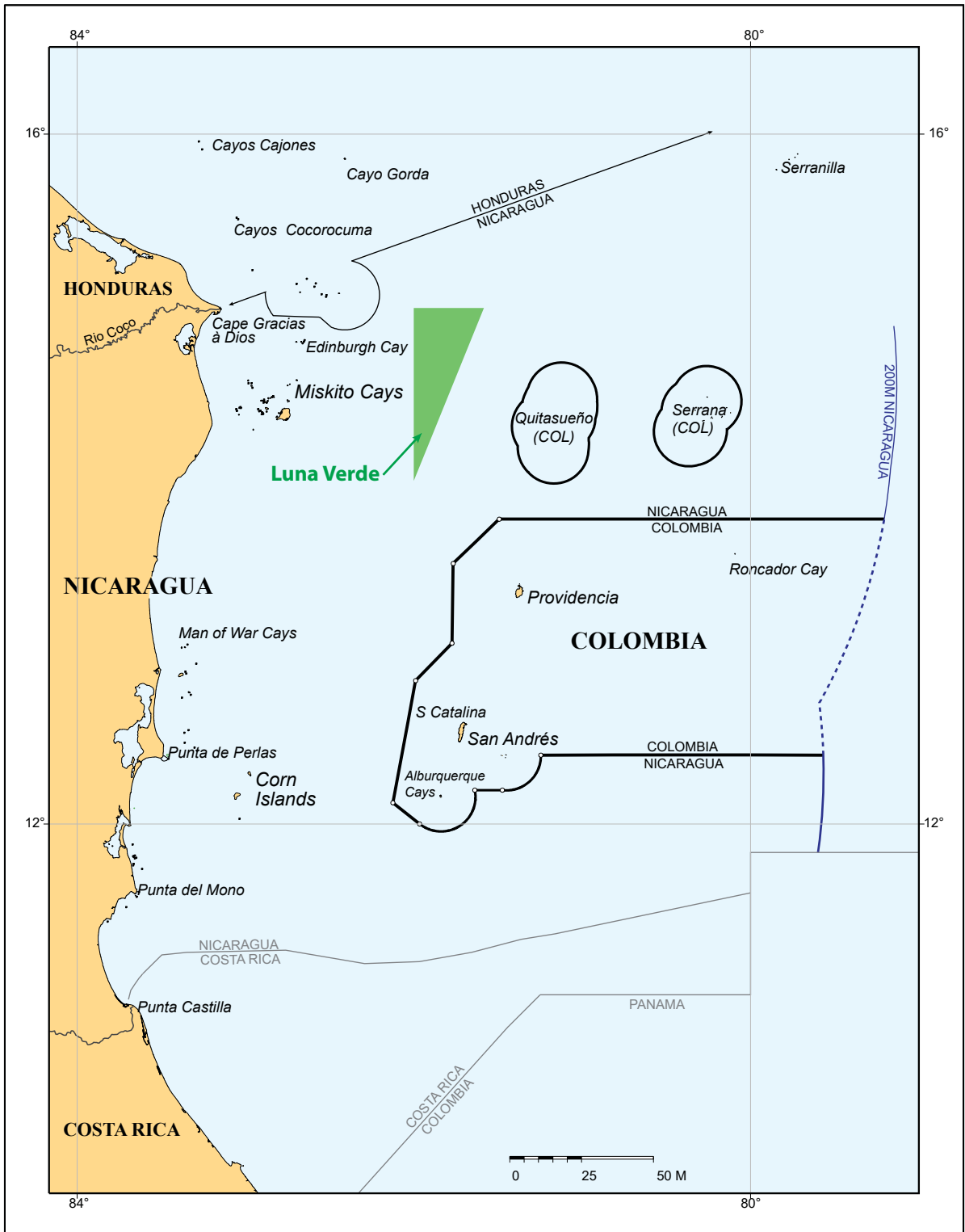
(a) Map presented by President Juan Manuel Santos, 09 September 2013 (NM, Annex 10 and Figure 2.1)

Figure 3.1 Colombia's differing depictions of the Integral Contiguous Zone

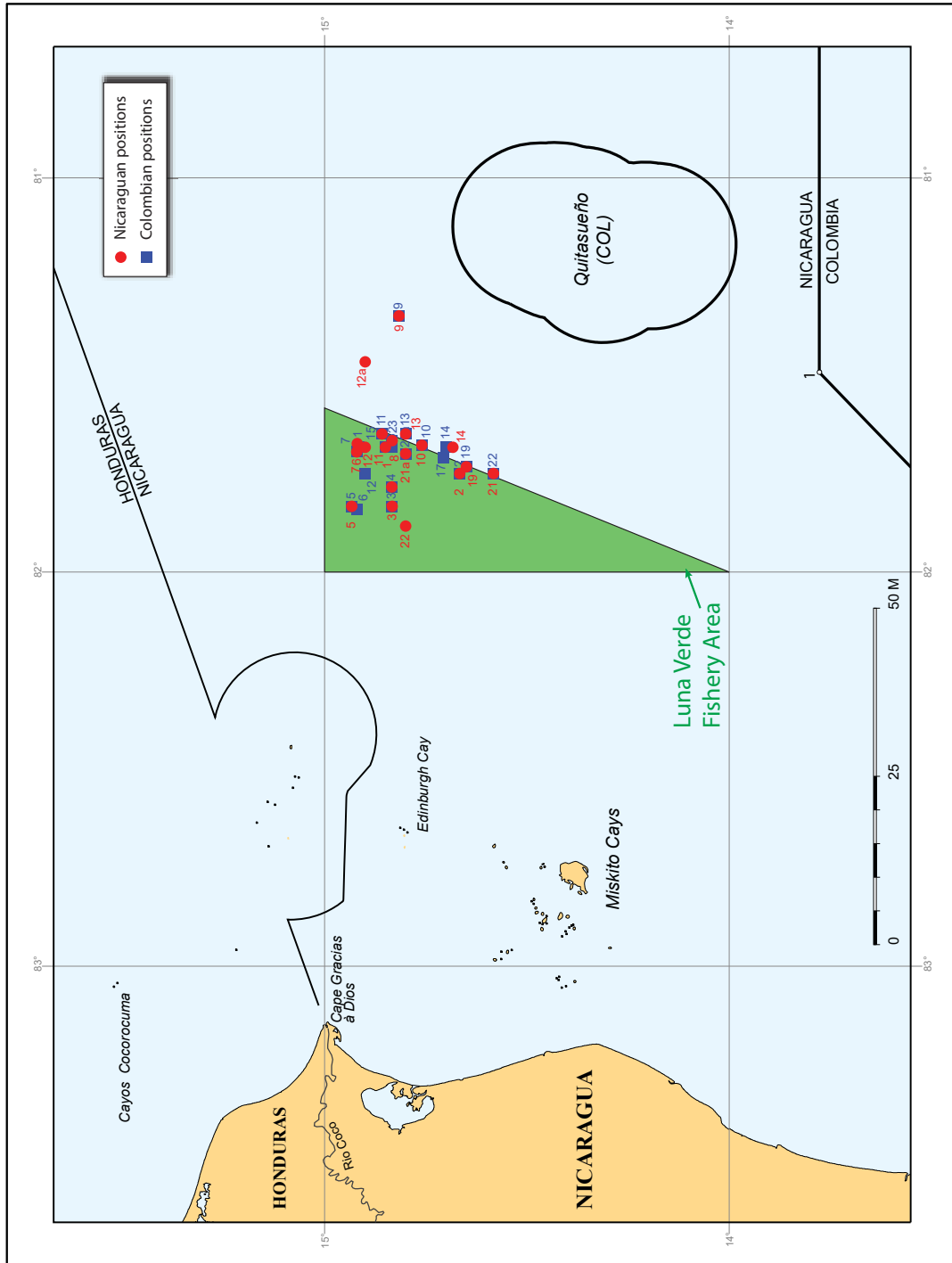


Depiction of the Text of Decree No 1946: Colombia's 'Integral Contiguous Zone'

Figure 3-2

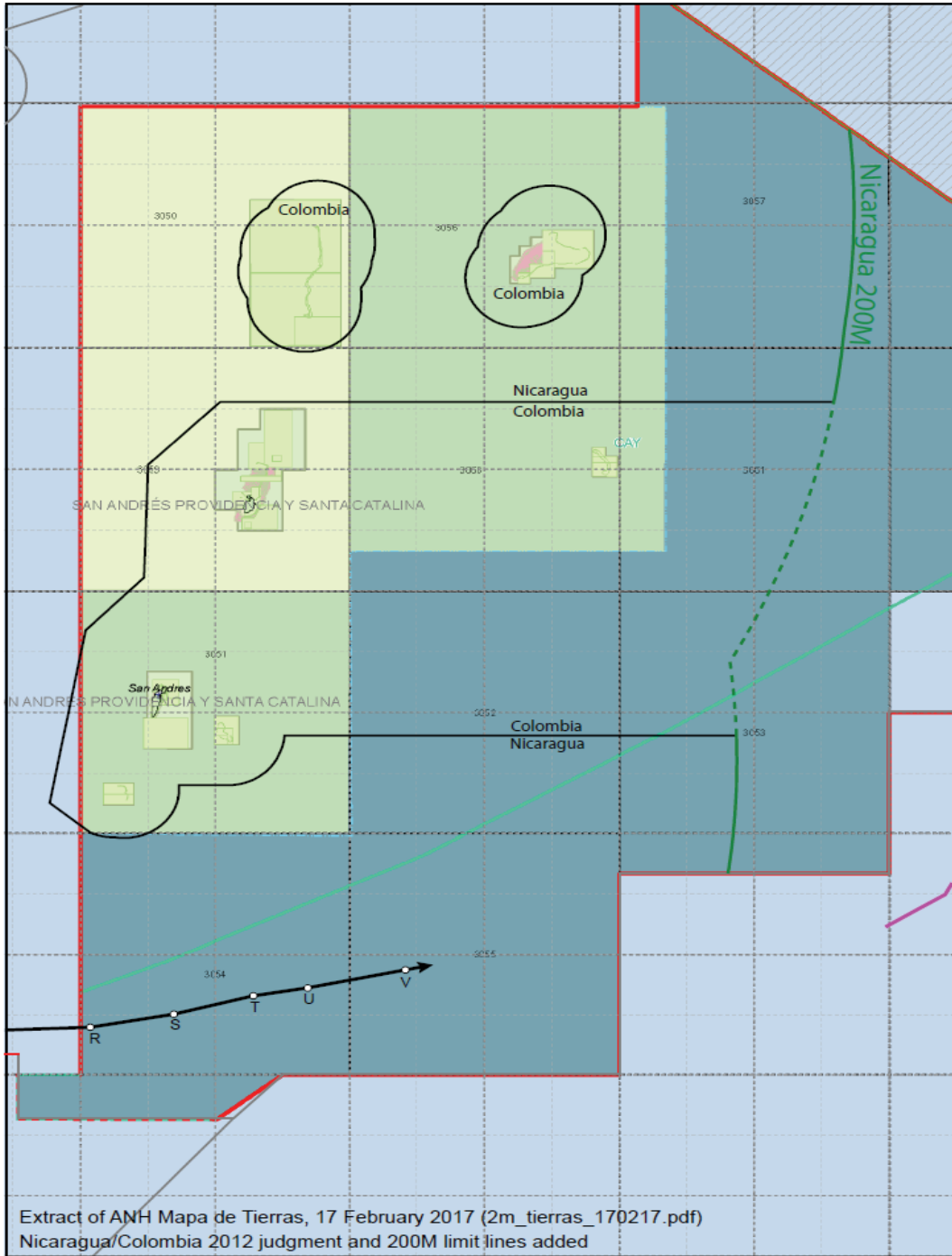


Location of Luna Verde in relation to the Maritime Boundary determined by the Court
Figure 4-1



Location of Reported Incidents (2015-2017)

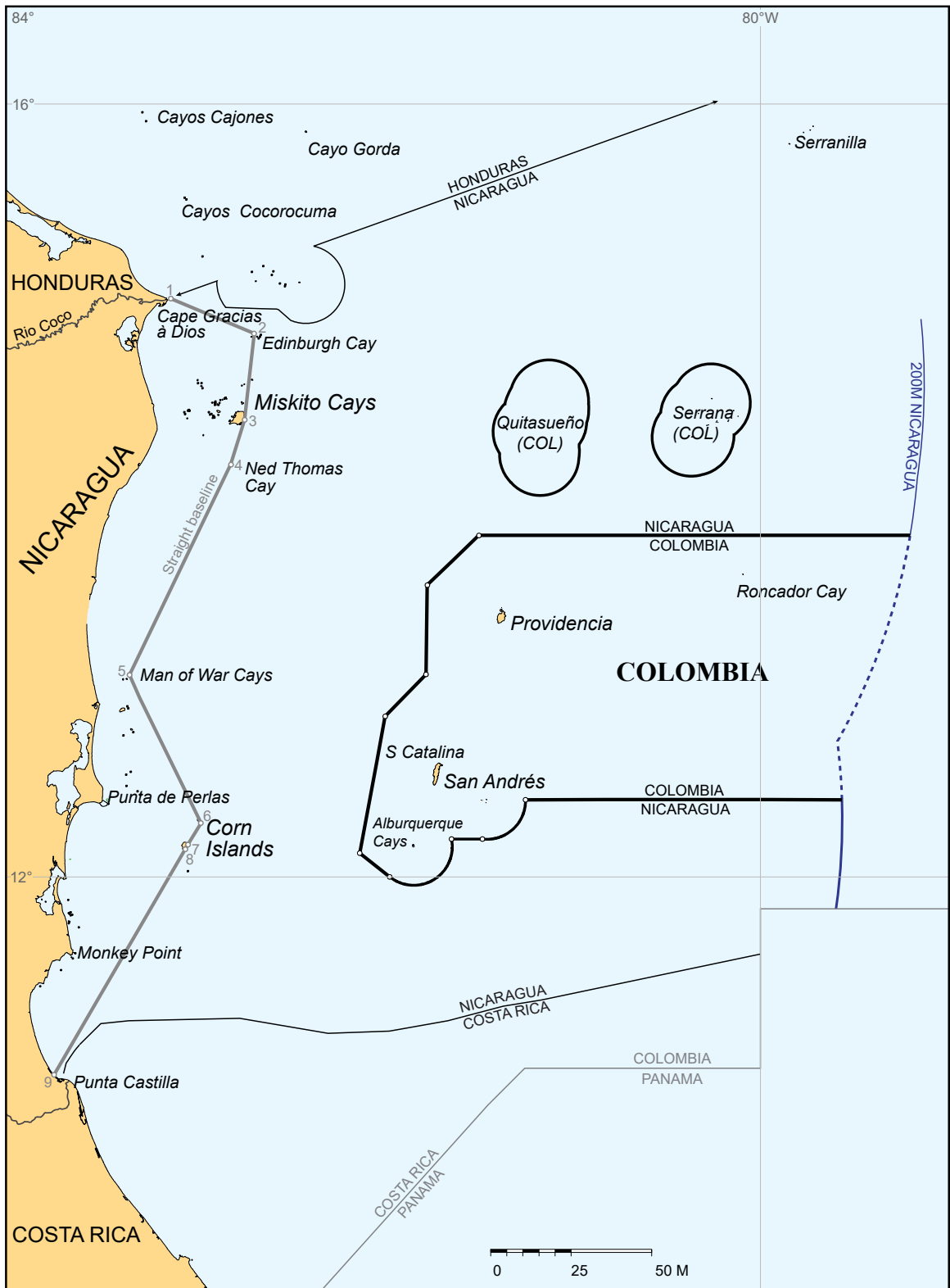
Figure 4-2



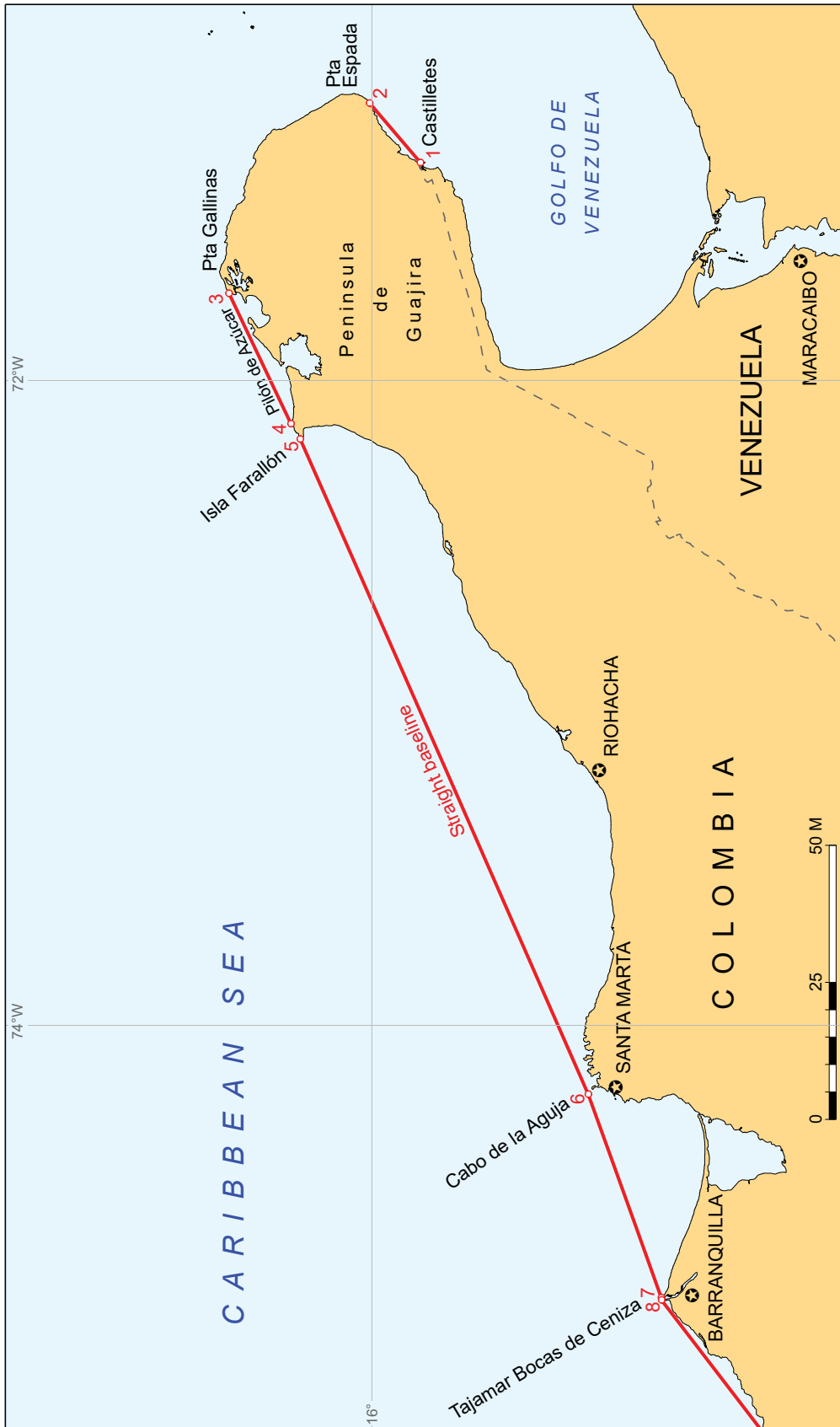
Colombian Petroleum Licence Blocks

Hydrocarbon blocks offered by Colombia in Nicaragua’s EEZ

Figure 4-3



**Nicaragua's Straight Baselines
(Decree No. 33-2013)
Figure 7-1**



(Decree No. 1436 of 13 June 1984 partially regulating article 9 of Act No. 10 of 1978)

Colombia's Straight Baselines (Caribbean)
Figure 7-2

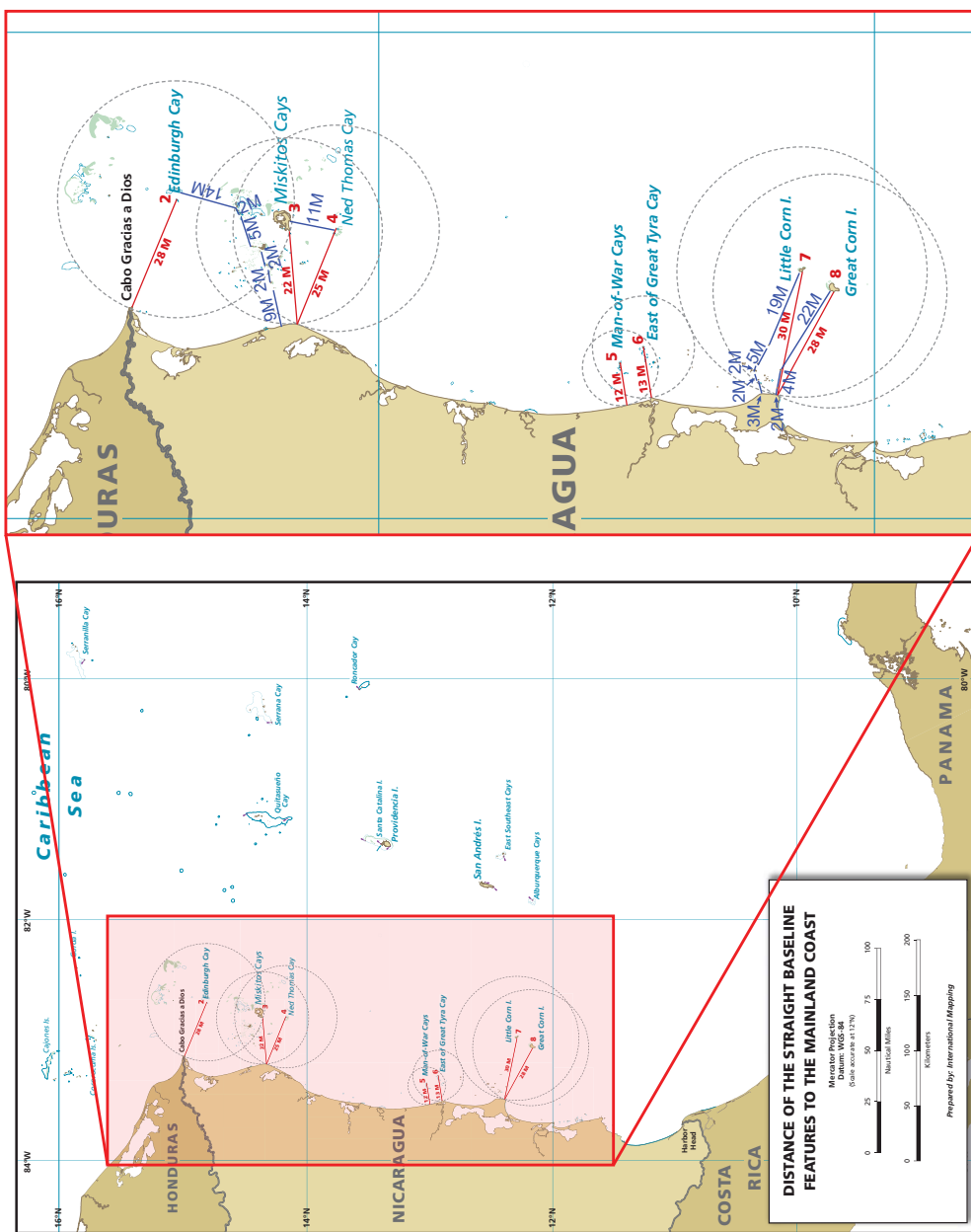
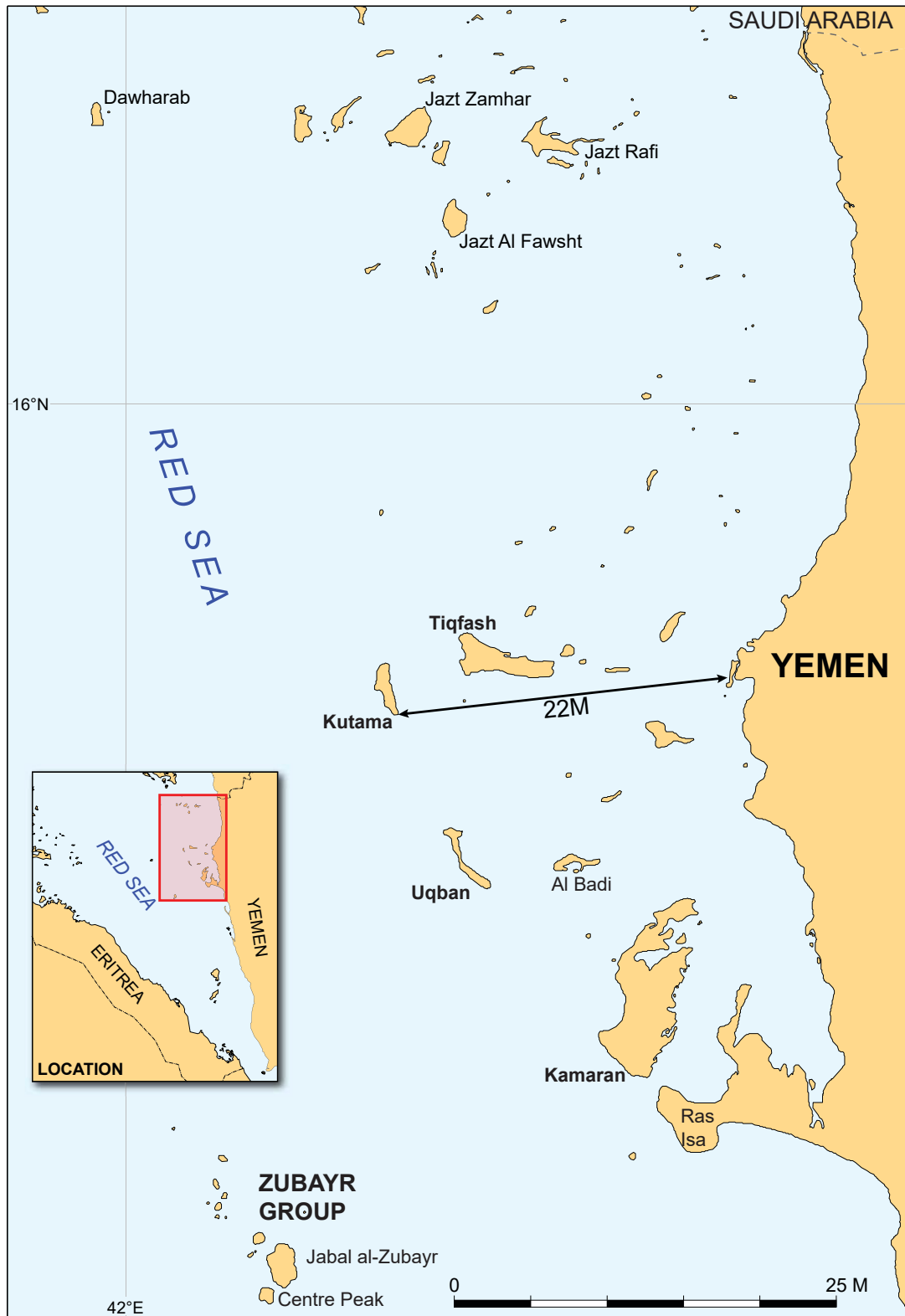


Figure 10.3 from Colombia Counter-Memorial

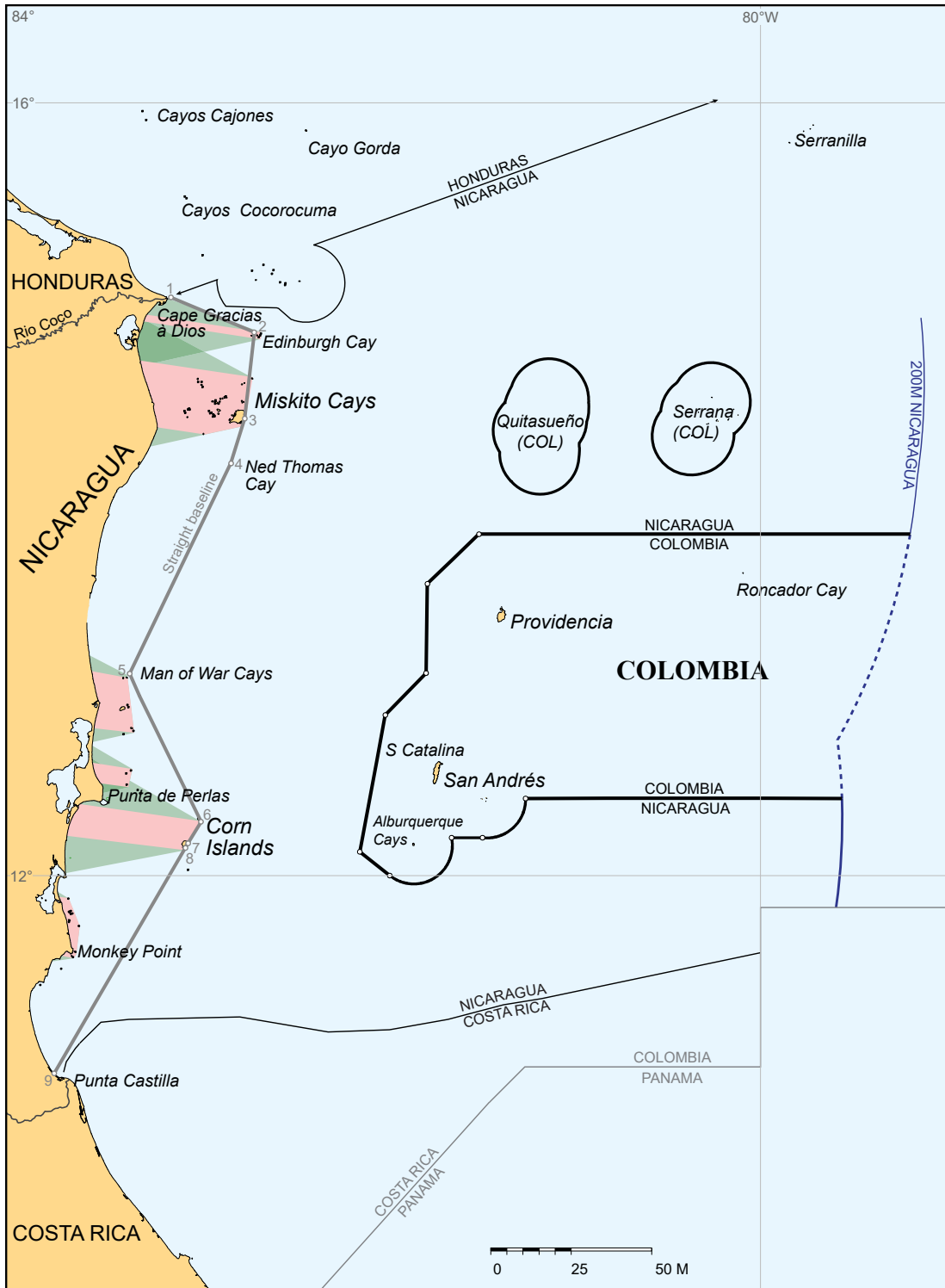
Nicaragua's Fringe of Islands
 Figure 7-3

Annotated in blue



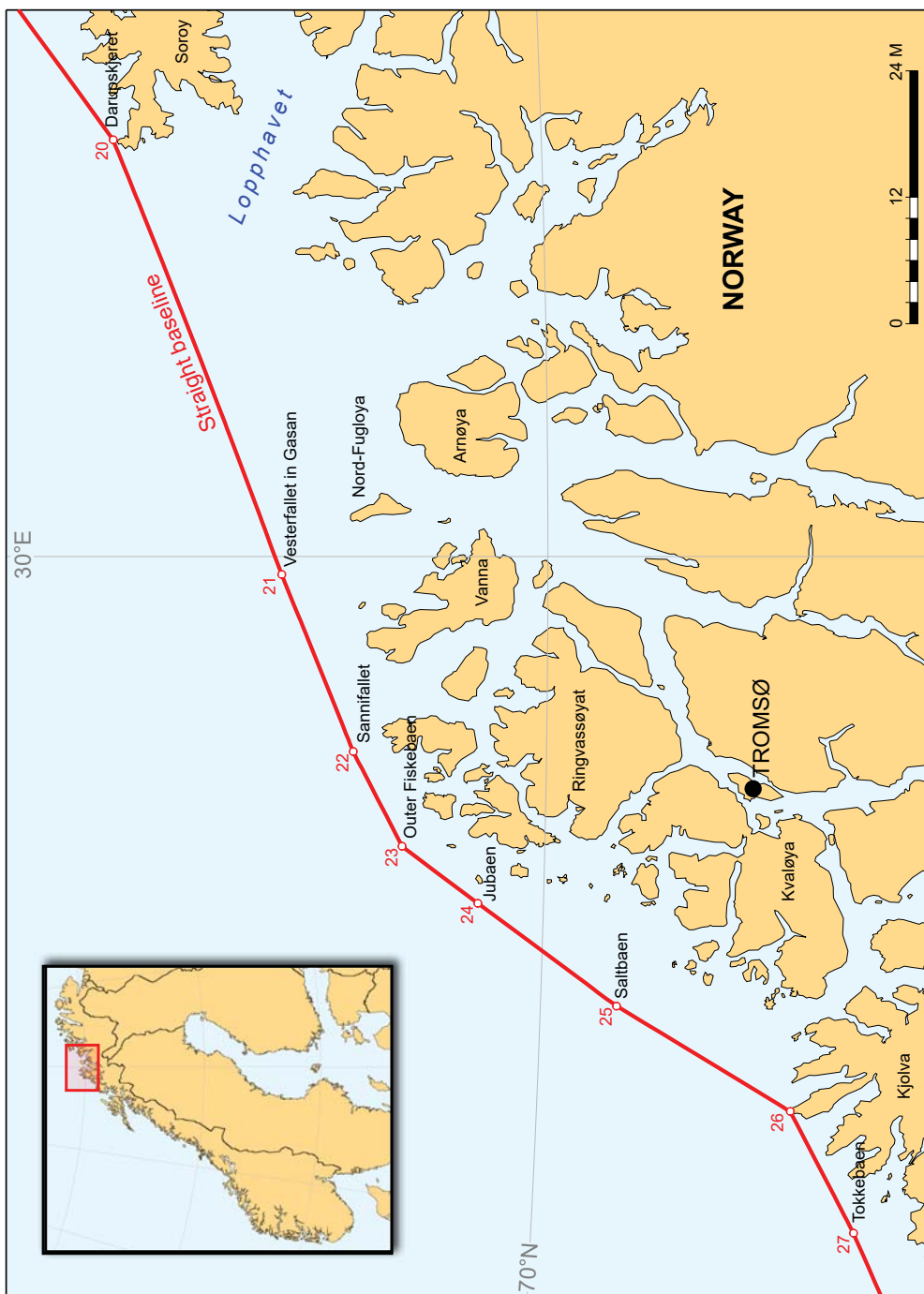
Yemen's Fringing Islands as considered by the Tribunal in *Eritrea v Yemen*

Figure 7-4

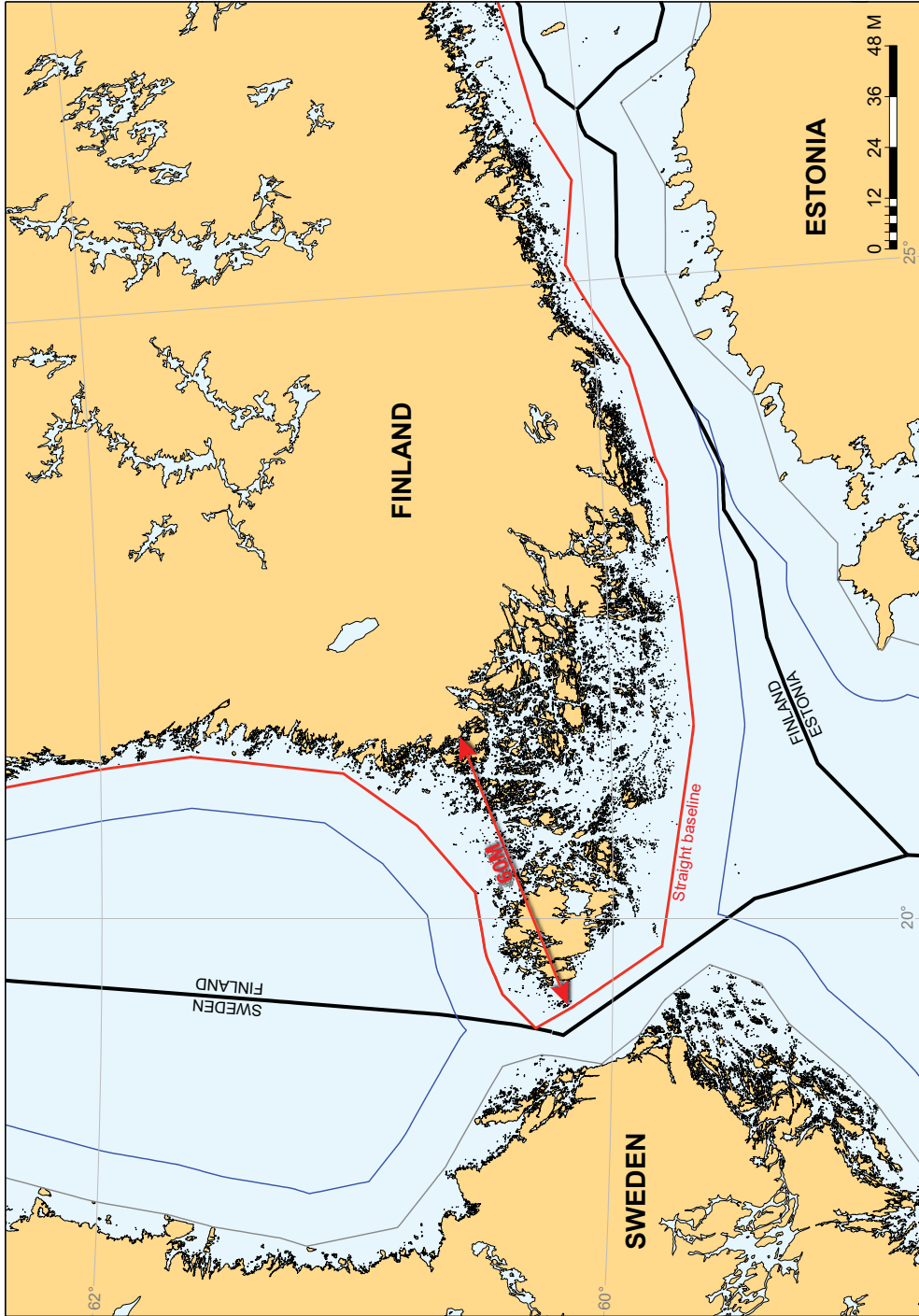


Masking Effect of Nicaragua's Islands

Figure 7-5



Norway's Straight Baseline System
Figure 7-6



Decree No. 993 on the Application of the Act on the Delimitation of the Territorial Waters of Finland of 31 July 1995

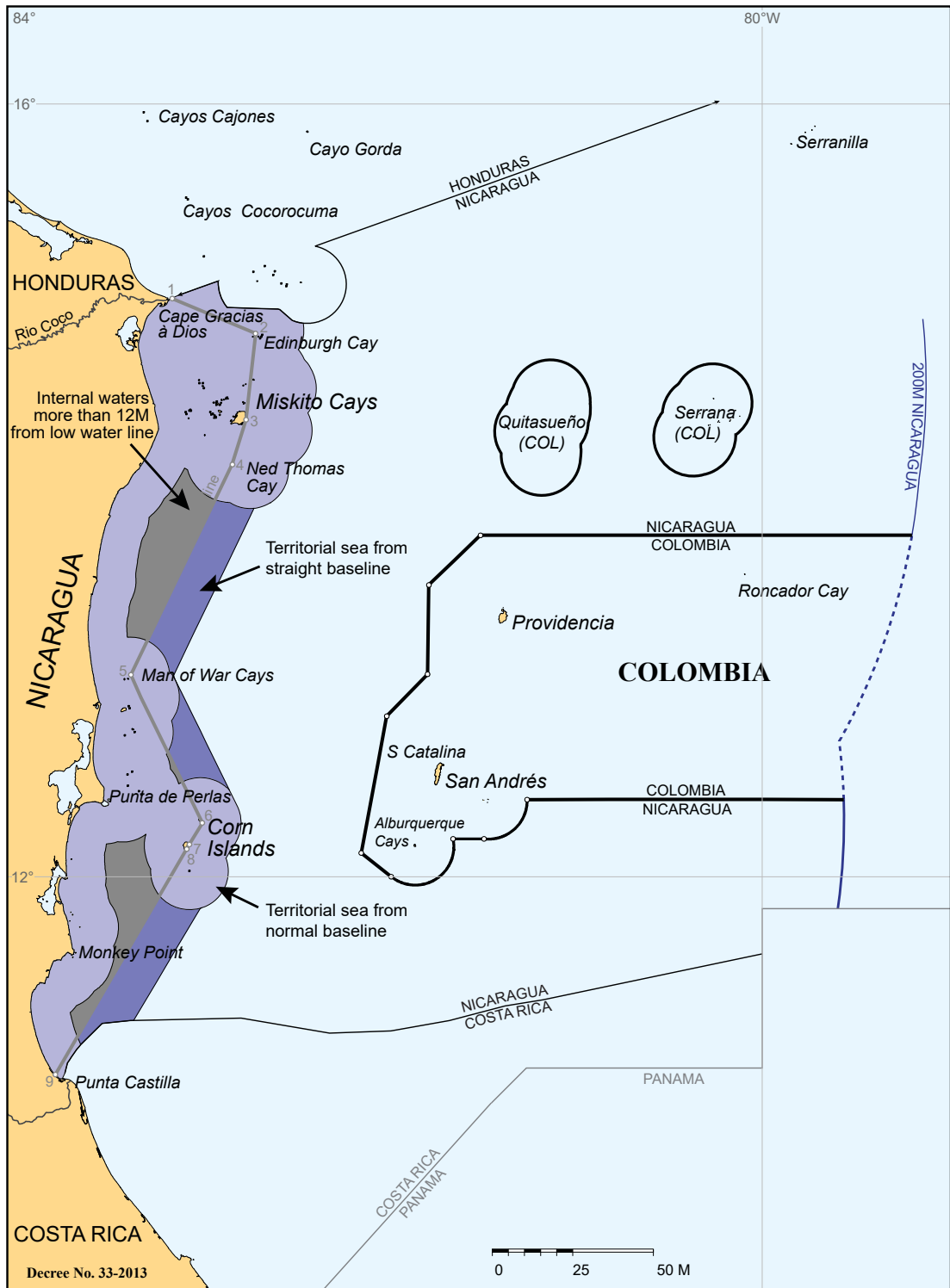
Finland's Straight Baselines

Figure 7-7



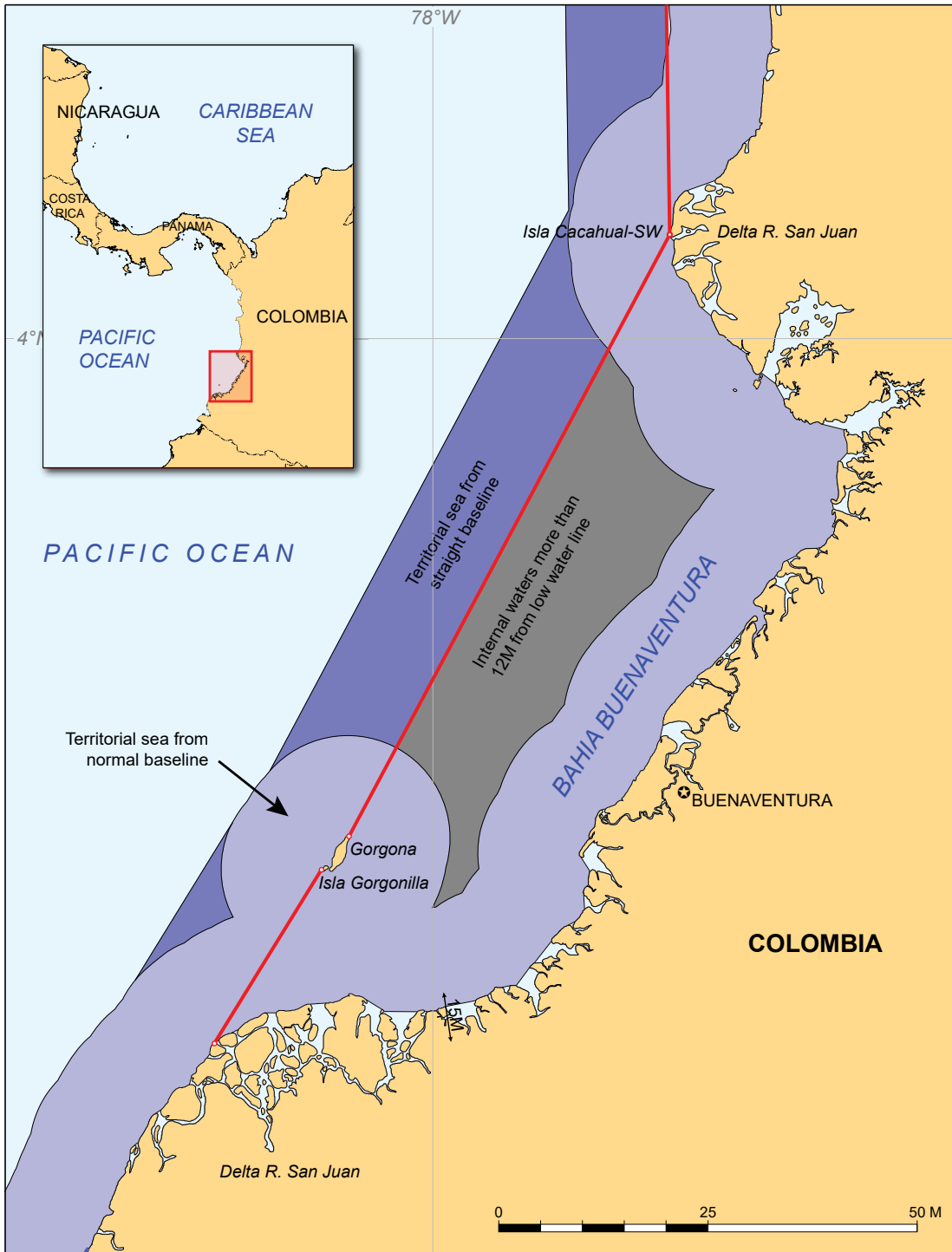
Colombia's Straight Baselines (Pacific)

Figure 7-8



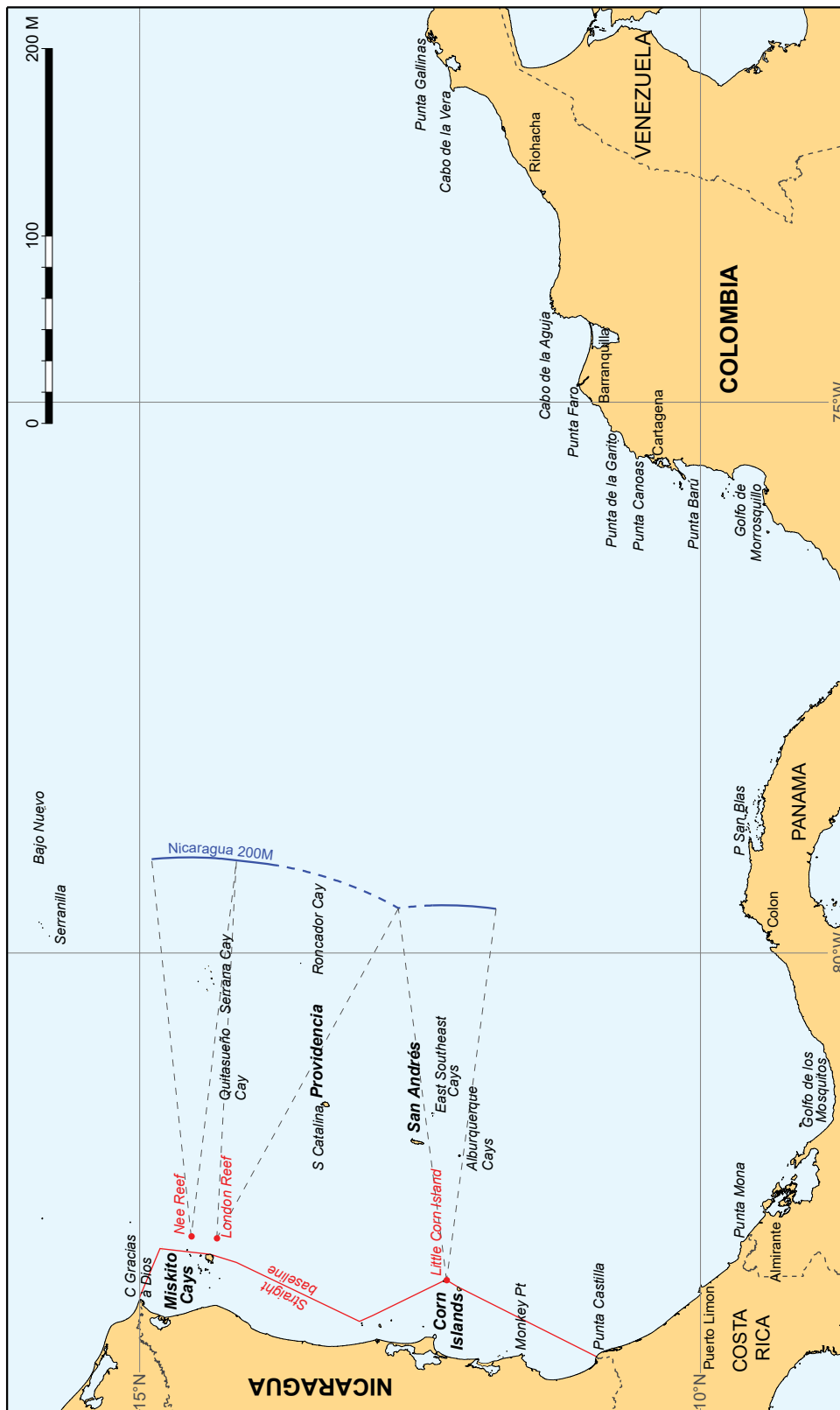
Nicaragua's Straight Baselines showing areas of internal waters more than 12M from low water line

Figure 7-9



Colombia's Straight Baselines (Pacific)
 showing areas of internal waters more than 12M from low water line

Figure 7-10



Nicaragua's Base Points that control the 200M limit
Figure 7-11

