

**Annex 1**

**INTERVIEW TO THE AGENT OF NICARAGUA (2 FEBRUARY 2021)**

(Available at:

[https://www.el19digital.com/articulos/ver/titulo:112447-por-que-es-importante-la-ley-que-declara-y-define-reserva-de-biosfera-del-caribe-nicaraguense?\\_cf\\_chl\\_captcha\\_tk\\_\\_=pmd\\_XlRhwyhIpm4uysXAlvh.z0qqVkYlRpYdjRTM.FiPoWs-1631028132-0-gqNtZGzNA5CjcnBszQol](https://www.el19digital.com/articulos/ver/titulo:112447-por-que-es-importante-la-ley-que-declara-y-define-reserva-de-biosfera-del-caribe-nicaraguense?_cf_chl_captcha_tk__=pmd_XlRhwyhIpm4uysXAlvh.z0qqVkYlRpYdjRTM.FiPoWs-1631028132-0-gqNtZGzNA5CjcnBszQol)

[Last visited: 7 September 2021]

Interview with Doctor Carlos Argüello:

**Why is the Law that Declares and Defines the Biosphere Reserve of the Nicaraguan Caribbean important?**

Tuesday February 2, 2021. El 19 Digital.

(...)

Dr. Carlos Argüello, representative of Nicaragua before the International Court of Justice of The Hague, was in the Live Magazine with Alberto Mora of Channel 4, with whom he talked about the recent Law that Declares and Defines the Biosphere Reserve of the Nicaraguan Caribbean.

Dr. Argüello provided his opinion as a specialist, he clarified particularly what it means for our country, for the peoples of the Caribbean, the fact that the National Assembly has approved this Law that defines the waters and territory of the Nicaraguan Caribbean as a biosphere reserve.

He said that it is important to see this new law in the context of the defense of Nicaragua's maritime territory that has been conducted since 1979, when the Governing Junta chaired by Commander Daniel Ortega declared the 1928 treaty with Colombia null and void.

He added that from that moment the struggle began, and it has continued to be waged today.

*"We have to frame this new law in that context, if we think about it, that declaration was made in 1979, in 1999 Honduras ratified a treaty with Colombia whereby the maritime territory of Nicaragua was divided. Honduras to the 15th parallel and Colombia to the 82nd meridian. Nicaragua announced in December 1999 that it was going to sue Colombia and Honduras. For tactical reasons, it began by suing Honduras and it was filed in December 1999, but already announcing that we would continue with Colombia later", he recalled.*

(...)

*"Having declared this reserve that Declares and Defines the Biosphere Reserve of the Nicaraguan Caribbean does not mean that we are declaring a reserve on top of another reserve. The Seaflower Reserve of Colombia no longer exists as such..."*, the jurist explained.

(...)

He was emphatic in pointing out that the reserve is located entirely within Nicaraguan territory.

(...)

*“We are creating this reserve within Nicaraguan territory...”* he stressed.

(...)

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**Annex 2**  
**STATEMENTS BY NICARAGUAN SCIENTISTS AND**  
**ENVIRONMENTALISTS IN MEDIA REPORTS**

**(A) MEDIA REPORT BY LA PRENSA “THE REGIME IN ‘ENVIRONMENTAL CAMPAIGN’: A LAW THAT DECLARES AS A BIOSPHERE RESERVE AN AREA THAT WAS ALREADY RECOGNIZED BY UNESCO WAS APPROVED” (28 JANUARY 2021)**

(Available at:

<https://www.laprensa.com.ni/2021/01/28/nacionales/2777587-regimen-aprueba-ley-que-declara-reserva-de-biosfera-a-una-zona-que-ya-era-reconocida-por-la-unesco>)

[Last visited: 7 September 2021]

**The Regime in “environmental campaign”: a law that declares as a biosphere reserve an area that was already recognized by UNESCO was approved**

According to environmentalists, the approved law does not make sense considering that the area was already recognized as a Biosphere Reserve by UNESCO

By Julio Estrada Galo

Published 28 January 2021 03:36 PM

Ortega’s steamroller in the National Assembly approved this Thursday the law initiative sent by the Executive called “*Law that Declares and Defines the Biosphere Reserve of the Nicaraguan Caribbean,*” in which it proclaims as a protected area, and under the category of Biosphere Reserve, an area of 4 million 415 thousand 700 hectares “*located in the territorial sea and in the exclusive economic zone*” of the Caribbean Sea.

(...)

**Law with no sense**

According to the scientist and biologist, Dr. Jaime Incer Barquero, former Minister of Environment and Natural Resources [of Nicaragua], the approval of this law makes no sense considering that, prior to The Hague ruling, Colombia had already declared the entire maritime platform - which it now shares with Nicaragua - as a protected area and biosphere reserve Seaflower, which was also recognized by UNESCO.

*“That area called the Seaflower Marine Biological Reserve, divided by the marine boundary between Colombia and Nicaragua, has already been declared. Colombia did it a long time ago, one cannot declare one thing on top of another declaration, that is, declare what is already declared does not make sense,”* Incer said.

On the other hand, he considers that Nicaragua does not have the sufficient capacity to unilaterally attend this marine platform. “*(...) But Nicaragua does not have the capacity to manage marine resources because it is an underwater reserve formed mainly by reefs, also it is offshore and not near the coast and that requires special resources that Nicaragua does not have.*” explained the scientist.

(...)

For his part, the environmentalist and director of the organization *Fundación del Río*, Amaru Ruiz, explains that, in order to declare an area as a protected area, technical, geomorphological, biodiversity, marine, and carrying capacity studies must be previously conducted, to determine what are the environmental, social, human, and natural conditions that exist in those ecosystems.

*"I do not think the [Ortega] Regime has that, and if it does, it has not presented it. But I also believe it because there is no capacity in the country to conduct these studies and those that I know that have this capacity, such as Fabio Buitrago, marine ecologist, or Dr. Jaime Incer, but the State has contracted none of them for these studies,"* Ruiz said.

Decree 01-2007, Regulation of Protected Areas of Nicaragua, establishes in its article 11 paragraph 2 that, for the declaration of new protected areas, technical studies containing the environmental, socio-economic, and cultural characteristics and conditions of the proposed area must be previously fulfilled, such as *"ecological representativeness and viability; identification of the environmental services and goods; identification of the genetic importance, endemism, threatened and endangered species; identification of the main environmental impacts that affect the area; identification of the main socio-economic, cultural and historical activities in the proposed area; identification of indigenous communities and areas that cover those communities and cultural traditions in the use of natural resources"*.

However, in the explanatory memorandum filed by the Executive, [the latter] makes no mention of any study conducted in the areas referred to in the law. *"The procedure stated in Decree 01-2007, Regulation of Protected Areas, was not followed"*, Ruiz argued.

### **Prioritize land reserves**

Dr. Jaime Incer stressed that the Regime, in addition to not having the capacity to take care of the marine reserve, has not shown either that it has sufficient resources for the care and conservation of land reserves such as Bosawas and Indio Maíz.

*"If we have not been able to defend the terrestrial resources of the declared natural areas, where there is no State presence and where there is rather an authorization to cut [trees], how do we pretend to do something more refined, much more*

*expensive, as it is to attend a marine reserve, then we must engage the effort on working in our territory that is destroyed and where the authorities do not act”, Incer questioned.*

*“If we are going to defend something offshore, let’s defend what we have at hand which are the forests, Bosawas, Indio Maiz, Dipilto and Jalapa, Chacocente, La Flor, which are being freely looted without anyone telling them anything,” he added.*

### **The Regime could seek resources and grant concessions**

The approval of this law through urgency procedure, according to Ruiz, raises serious concerns related to whether the Regime intends to offer oil and fishing concessions on that maritime platform to national and international companies.

*“First because it is an emergency procedure, secondly because of the background we have of the [Ortega] Regime seeking resources, because it is giving a category to the part that corresponds to Nicaragua, ignoring the UNESCO declaration that already exists, it is ignoring this category,” argued Ruiz, who assured that it is a legal framework to allow oil extraction.*

On the other hand, with this law the Regime seeks to obtain resources from international organizations “*justifying that they do not have the capacity to manage that area,*” environmentalist Amaru Ruiz said.

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**(B) MEDIA REPORT BY EFE VERDE “NICARAGUA CREATES ITS PARTICULAR ‘BIOSPHERE RESERVE’ IN THE CARIBBEAN SEA” (29 JANUARY 2021)**

(Available at:

<https://www.efeverde.com/noticias/nicaragua-reserva-biosfera-mar-caribe/> )

[Last visited: 7 September 2021]

## **Nicaragua creates its particular “biosphere reserve” in the Caribbean Sea**

[Image, the following note being included below the image: “Nicaragua creates its particular “biosphere reserve” in the Caribbean. EFE/Jorge Torres”]

Published by: Redaction EFE Verde. 29 January 2021. Managua.

**The National Assembly (Parliament) of Nicaragua approved this Thursday the creation of the ‘Biosphere Reserve of the Nicaraguan Caribbean,’ located in front of the east coast of the Central American country.**

The title of ‘biosphere reserve’ was not granted by the United Nations Educational, Scientific and Cultural Organization (UNESCO), as is often the case, but it is a name granted by the National Assembly, of Sandinista majority, at the request of President Daniel Ortega “as a matter of urgency”.

The recently created Nicaraguan biosphere reserve is, by far, the largest in the territory, since with its 44,157 square kilometers it surpasses Bosawás (north, 21,815 square kilometers), Southeast of Nicaragua (southeast, 7,677 square kilometers), and Ometepe (south, 500 square kilometers). The area would fit countries such as Belgium, Denmark, or Switzerland.

(...)

Environmentalist Amaru Ruiz, director of Fundación del Río, expressed concern about Nicaragua’s decision, due to the Ortega government’s background with nature reserves.

*“If we consider the management of the biosphere reserves that already existed in Nicaragua, where there is negligence, deforestation, degradation, there is no political will to intercede, with these precedents, that it is an emergency initiative, that no kind of studies were shown, and that this government does not do anything without having another thing tied down, concerns exist”, Ruiz told EFE Verde.*

The new reserve has as its core area the sea that surrounds the Miskitos Cays, which belong to the Northern Caribbean Autonomous Region (RACN), and those around the San Andrés Archipelago, which belongs to Colombia. EFE Verde.

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**(C) MEDIA REPORT BY 100% NOTICIAS “Jaime Incer denounces false pretext of ‘conservation’ of natural resources in the law of the Biosphere Reserve of the Caribbean Sea” (29 JANUARY 2021)**

(Available at:

<https://100noticias.com.ni/nacionales/105145-jaime-incer-conservacion-ley-mar-caribe-despale/> )

[Last visited: 7 September 2021]

Nicaragua. 29 January 2021. 2 p.m.

### **Jaime Incer denounces false pretext of “conservation” of natural resources in the law of the Biosphere Reserve of the Caribbean Sea**

(...)

The environmentalist and scientist Jaime Incer Barquero expressed that Daniel Ortega’s regime seeks to ‘capture’ international resources under the false pretext of ‘conservation’ with the initiative of the ‘Law that declares and defines the Biosphere Reserve of the Nicaraguan Caribbean.’

*“Attract international resources, under the pretext of conservation for a use other than conservation, that is, they are realizing that in the world there are resources available for conservation projects, then they have become conservationists, but they are not managing anything, if we want to conserve, let’s really conserve what we have declared, such as the Bosawás Biosphere Reserve, Indio Maíz [Biosphere Reserve]”*, Incer said.

#### **Deforestation and invasion in Natural Reserves**

For the scientist, it is ‘contradictory’ that the Ortega-Murillo regime wants to protect thousands of nautical miles when they allow the indiscriminate logging of the Dipilto-Jalapa mountain range, as well as the invasion of settlers in the Bosawas and Indio Maíz reserves.

*“How am I going to find resources to make my garden more beautiful when my house is falling?”* the environmentalist asked, who assured that ‘conservation’ begins by stopping the logging of trees, unrestricted fishing in both oceans, among others.

*“They want to sell the image that there is interest in conservation when in reality the protected areas are unprotected, they are invaded, there is authorization to cut pines, endangered species such as pochote. A large, offshore area that stretches miles out to sea in the Caribbean, if we cannot protect coastal resources, how are we going to protect something that is farther away and at what cost? Why do we have to go so far if we have problems inside? Why do not we request the defense of pine forests from the unscrupulous loggers who are destroying [them]? Why do we allow Bosawas or Indio Maíz to be invaded? Nothing is being done to defend*

*there, there is no one, people enter [there] and is encouraged to enter and the indigenous people who are there are expelled or killed, driven away,”* claimed the expert on environmental issues.

(...)

### **Nicaragua without capacity**

The environmentalist Incer indicated that Nicaragua does not have the capacity to defend the resources of the maritime platform and criticized the inefficient work of the Ministry of the Environment and Natural Resources (MARENA), an institution that he considers does not have the “will” to ensure protected areas.

*“From a scientific point of view, it is a marine reserve which requires a management that Nicaragua does not have the capacity to do and if it manages to do so it has to do it with Colombia because it is a marine reserve that belongs to both nations. Nicaragua does not have the capacity to do so and the low capacity they do have is not even used to defend marine resources such as Chacocente and La Flor and the estuaries where there is life and people are entering to fish, steal turtle eggs and the MARENA [says] ‘very well, thank you’, the Nicaraguan institutions do not have the capacity to formulate, let alone to monitor and control, to formulate a plan, they do not even have the will to do it because they would have already done it with the more than 70 protected areas on the mainland”,* he said.

(...)

Finally, the expert indicated that the Ortega Murillo regime has not shown willingness to preserve the reserves declared by international organizations *“they have not given any evidence that they can do it, that they know how to do it and above all they are doing the opposite, allowing the violation of the natural resources in areas that have already been previously declared as natural reserves, be it the sea, land or coasts”*.

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