

**DISPUTE CONCERNING
MARITIME DELIMITATION IN THE CARIBBEAN SEA AND
THE PACIFIC OCEAN
(COSTA RICA V. NICARAGUA)**

**COUNTER-MEMORIAL
OF THE REPUBLIC OF NICARAGUA**

ANNEXES

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ANNEX 1

George Rives' Report to the Arbitrator President G. Cleveland, 1 March 1888 (excerpts)

Source: Arbitration by the President Costa Rica and Nicaragua 1887-88, Costa Rica and Nicaragua Boundary Arbitration, Records Relating to International Arbitrations in Which the United States Acted as an Arbitrator 1716-1946, Box 1, Records of Boundary and Claims Commissions and Arbitrations, Record Group 76.5, National Archives Building, Washington D.C.

Second

If the Treaty of the 15th April, 1858 is valid, what is its true meaning in respect of the various matters submitted for decision?

One question of interpretation is formulated by the Treaty of Arbitration itself, and eleven others are submitted by Nicaragua under the sixth article of the Treaty.

The preliminary question, which is expressly raised by the Treaty of Arbitration, is as follows: “If the Arbitrator’s award should determine that the Treaty [of 1858] is valid, the same award shall also declare whether Costa Rica has the right of navigation of the River San Juan with vessels of war or of the revenue service.”

The answer to this question depends upon a consideration of Article VI of the Treaty of 1858, which reads as follows:

“Article VI. The Republic of Nicaragua shall possess exclusively the dominion and supreme control (tendrá exclusivamente el dominio y sumo imperio) of the waters of the River San Juan from its outlet from the Lake until it empties into the Atlantic; but the Republic of Costa Rica shall have the perpetual right of free navigation (los derechos perpetuos de libre navegación) on the said waters from the River’s mouth to three English miles below Castillo Viejo, for the purposes of commerce, whether with Nicaragua, or with the interior of Costa Rica by way of the Rivers San Carlos or Sarapiquí or any other route proceeding from the tract on the shores of the San Juan which is hereby declared to belong (que.... se establece corresponder) to the last named Republic. The vessels of both countries may indiscriminately approach the shores of the River where the navigation is common; and no charges of any kind or duties shall be collected unless where levied by mutual consent of both Governments.”

The foregoing article, it will be observed, is silent as to the right of navigation by public vessels. If such a right exists, it must be by virtue of some general rule and not affected by the Treaty, or must be implied from the general scope and purpose of the Treaty stipulations.

In considering these aspects of the case it must be remembered that the boundary line runs along the right bank of the River from its mouth to a point three English miles below the Castillo Viejo, and that the River above that point runs wholly within Nicaraguan territory. It should also be noted that the San Juan, –besides the mouth above referred to, - had two other mouths, the Colorado and the Taura, both of which run to the sea through Costa Rican territory. The following provisions of the Treaty of 1858 are also important: “Art IV ... Costa Rica shall be bound, as far as the portion of the banks of the San Juan which belongs to her is concerned, as Nicaragua is by treaties, to contribute to its custody in the same way that the two Republics shall contribute to its defence in case of foreign aggression, and this they shall do with all the efficiency within their reach.” “Art. IX... Under no circumstances, and even in case the Republic of Costa Rica and Nicaragua should unhappily find themselves in a state of war, shall either of them be allowed to commit any act of hostility against the other ... in the San Juan River.”

Upon these facts, it is argued by Costa Rica that the provisions of Art. IX, forbidding acts of hostility on the River, imply a right of using it in peaceful ways; that the stipulations giving Nicaraguan vessels the right to unload on the Costa Rican side presuppose the right of Costa Rica to watch her shores by a river police; that by analogy with ports of free entry which, it is asserted, are always considered to be accessible to foreign men-of-war, a navigable river like the San Juan is to be regarded as open to the men-of-war of friendly nations, that the maxim qui dicit de uno, negat de altero, does not apply here, as the right to navigate with public vessels is not in any respect inconsistent with the right of navigation for purposes of commerce; that by the usage of nations navigation of territorial waters by foreign public vessels can only be forbidden by express stipulation, as in the case of the Dardanelles, and that under Art. IV Costa Rica must be permitted to maintain her vessels on the San Juan in order to guard and defend it with all the efficiency within her reach.

Some of these arguments may be dismissed at once.

The prohibition of acts of hostility on the River, cannot be construed as conferring on Costa Rica a right to maintain upon its waters public vessels in time of peace. The implication, instead would seem to be the other way.

The right of Nicaraguan vessels to land freely on the Costa Rican side confers no right on Costa Rica to maintain a river police. She has undoubtedly the

right to establish Custom Houses along the River, and to maintain a force of revenue officers. But this force need not necessarily patrol the river in boats. This might be a convenient way of preventing smuggling; but it is not so necessary an incident to the rights of Costa Rica to enforce her customs laws as to be inevitably implied *ex necessitate* from the provisions of the Treaty.

The stipulations of Article IV throw no light on this question. All that that article requires is that Costa Rica should repel foreign aggression on the River with all the efficiency within her reach. If, under the terms of the Treaty, Costa Rica is not permitted to maintain vessels of war on the River, she cannot be regarded as derelict if she fails to oppose foreign aggression in that quarter by her naval forces. Impossibilities are not required. Costa Rica would only be bound to contribute to the defence of the stream by land, a mode of defence, it may be added, which seems better adapted to a River of the size and character of the San Juan.

The matter is less clear when we consider the rights conferred by this Treaty in the light of international usage, for the present case appears to be one without exact precedent, which must be governed by analogies more or less remote.

It must not be forgotten that the sovereignty and jurisdiction of Nicaragua extend over all the waters of the San Juan. In the unusual and forcible language of the Treaty, she possesses exclusively the dominion and supreme control of these waters. Costa Rica is bounded, not by the thalweg or middle of the stream, but by its right bank. Any vessel navigating the River is, therefore, within Nicaraguan territory; and upon Nicaragua falls exclusively the duty of policing the stream.

Leaving out of sight, for the present, the fact that Costa Rica owns one bank of the San Juan, and regarding it solely as a Nicaraguan river, we may first enquire whether the right of free commercial navigation granted to Costa Rica necessarily involves the right of navigation by her vessels of war.

The writers upon international law leave the matter in some doubt.

Hall (International Law, Oxford 1880 § 42) says: "The right of innocent passage does not extend to vessels of war. Its possession by them could not be explained upon the grounds by which commercial passage is justified. The interests of the whole world are concerned in the utmost liberty of navigation for the purposes of trade by the vessels of all States. But no general interests are

necessarily or commonly involved in the possession by a State of a right to navigate the waters of other States with its ships of war. Such a privilege is to the advantage only of the individual State; it may often be injurious to third States; and it may sometimes be dangerous to the proprietor of the waters used. A state has therefore always the right to refuse access to its territorial waters to the armed vessels of other States, if it wishes to do so."

And see also § 55, in which he states that foreign ships of war enjoy complete extra territoriality; and in extreme cases, as when the peace of a nation is seriously threatened or its sovereignty is infringed such a ship may be summarily ordered out of the territory.

Bluntschli (Lardy's Trans, § 321) after stating that foreign men-of-war enjoy complete extra-territoriality when they enter the waters of a State by its permission, adds: "Il faut toujours 'que le navire de guerre étranger ait reçu l'autorisation de pénétrer dans les eaux dépendant du territoire de l'état." He considers that the usage in respect of extra-territoriality is based, not on courtesy, but on the difficulty and danger to the local police of acting with effect towards the crew of a man-of-war; and he states that in case of violations of the laws of the port, the local authorities have ample power to command a foreign man-of-war to quit the harbor.

Calvo, on the other hand, in his Dictionnaire de Droit Internationale (Paris, 1885, tit. Navire) says: "A moins de prohibitions et de règlements ou de lois formellement contrains, les ports sont considérés comme libres et ouverts pour les navres de guerre et les corsaires des peuples avec lesquels on est eu paix." The same view is taken by Sir Travers Twiss in his work on the Rights and Duties of Nations in Time of Peace (2nd ed., 1884, § 165)

Reference may also be made to the case of *The Exchange* (7 Cranch, 116) in which the Supreme Court of the U.S. had occasion to enquire as to the jurisdiction of the Courts of this country over foreign ships of war. Chief Justice Marshall, delivering the opinion of the court, after stating the rule applicable to the transit of foreign troops by land, said: "But the rule which is applicable to armies, does not appear to be equally applicable to ships of war entering the ports of a friendly power... A different rule therefore, with respect to this species of military force, has been generally adopted. If for reasons of state, the ports of a nation generally, or any particular ports, be closed against vessels of war generally, or the vessels of any particular nation, notice is usually given of such determination. If there be no

prohibition, the ports of a friendly nation are considered as opened to the public ships of all powers with whom it is at peace... The implied license, therefore, under which such a vessel enters a friendly port, may reasonably be construed, and it seems to the Court ought to be construed, as containing an exemption from the jurisdiction of the sovereign, within whose territory she claims the right of hospitality.” See also the opinion of Mr. Cushing in 7 Op Atty. Gen. 122.

The case of the Dardanelles is cited by Costa Rica as illustration of the theory that treaty stipulations alone suffice to exclude foreign ships of war from friendly waters. But Halleck remarks (Backers ed., London., 1878, chap VI §21) that these straits being within the territorial jurisdiction of Turkey “she has a right to exclude all foreign ships of war from entering or passing either the Dardanelles or the Bosphorus”, This right, he adds, was “recognized”, not created, by the treaties of 1840, 1841, and 1856.

It will thus be seen that there is at least an apparent contradiction between these authorities. But the conclusion may perhaps be fairly deduced from an examination of all the opinions cited, that although a tacit permission, or implied license, to visit a friendly port is usually understood to be granted to foreign men-of-war, yet such permission is always to be regarded merely as an act of comity and hospitality. But this privilege is now so generally accorded, that it is hardly to be distinguished from a right. Except in the case of the Dardanelles, it is understood that civilized nations, at the present day, impose no restriction upon the friendly visits of foreign men-of-war in time of peace; and this general usage may be said to constitute an imperfect right entitling such vessels to claim hospitality.

But it is not important at present to determine precisely the limitations of this privilege.

We are next to enquire whether there is any different rule where the nation owning the visiting vessels also owns territory bordering upon the waters visited. I find no authority upon this point; but in my judgment this circumstance is not material, for all the reasons which apply to one case apply also to the other. The close proximity of two countries, divided only by a navigable stream, may make the frequent passage of public vessels proper, and even necessary; especially where, - as in the present case, - such a stream forms a highway between two parts of the dominion of the State that borders on, but does not own, such waters. But the same fact of proximity also emphasizes the importance of avoiding difficulties

to which the impossibility of control by the local police over foreign national vessels might easily give rise.

It remains to be considered whether vessels of the revenue service stand upon any different footing from vessels of war. It would seem evident, from the reason of the rule, that they do not; and this view is fully sustained by the authorities. In the case of *Le Parlement Belge* (Eng law Rep., 5 P.D.197) the English Court of Appeal decided that the test of extraterritoriality was not the fact that a vessel was an armed ship, but the fact that she was the public property of a foreign state, and destined to its public uses. In the United States the same doctrine, in substance, has been applied to light ships, which have been held exempt from ordinary judicial process. See also *Calvo*, *Dictionnaire de tit. Navire*, Hall §44; *Twiss* §165.

The preliminary question of interpretation, as to the right of navigation of the San Juan by public vessels of Costa Rica, should, therefore, in my judgment, be answered by saying that the vessels of war and of the revenue service belonging to Costa Rica have the same privileges of navigating the River San Juan as are usually accorded in their territorial waters by civilized nations to the public vessels of friendly powers in time of peace, - but no other or greater privileges.

I shall now take up in order the points submitted for interpretation by the Government of Nicaragua.

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

The facts in regard to this branch of the inquiry are set forth at length in the reply of Nicaragua.

It appears that long and antecedent to the Treaty of 1858 the River San Juan had established itself in three streams through the delta to the sea - namely the San Juan proper which enters the harbor of Greytown; the Taura, which branches off to the South, six miles above Greytown, entering the sea five miles from

Greytown; and the Colorado, which also branches off to the south, eighteen miles above Greytown, and enters the sea about the same distance South to the port.

The Taura is an unimportant stream, the mouth being invariably closed in the dry season. The Colorado, ever since 1860, has been the main stream. In that year, the waters were diverted from the San Juan proper into the Colorado, and now by far the greater part of the waters of the present stream finds its outlet through that river. In the height of the dry season, at least twenty time as much water goes to the sea by way of the Colorado as by the San Juan proper.

Not less serious changes have taken place in the harbor of Greytown since the date of the Treaty. This harbor, which lies in a bend of the Coast and looks toward the North, owes its origin, as well as its destruction, to the gradual extension from East to West of a tongue or bar of sand. In the course of a century or more this mole has steadily grown outwards across the bight in which Greytown stands. At first, its effect was to enclose a sheet of sheltered water with an easy entrance, but as the extending tongue approached the mainland at the western side of the bay the entrance became difficult and finally closed. This occurred about 1862, since which date none but small coasting vessels and small tugs have been able to enter the harbor. The great diversion of the waters of the San Juan into the Colorado, referred to above, is said to have accelerated the closing of the harbor entrance, but not to have been the primary cause of it.

In the dry season, at the present time, it is with difficulty that the water of the River can maintain an opening into the sea at Greytown, and the opening is subject to the most capricious changes. Sometimes the entrance closes almost completely in a single day. Sometimes the force of the sea will heap up the sand along the tongue, or mole, so that the waters of the River are entirely shut in, and a channel has to be cut across the bar of sand to allow the pent-up waters to force an opening. The River will sometimes force its way to the sea at one place, sometimes at another; and it will change repeatedly in the course of a single month.

In 1858 there was still a good entrance to the harbor, and one side of this entrance was formed by the extremity of the Punta de Castilla. But even at that time this tongue of land was occasionally broken through by the sea; although so long as there was an open entrance to the harbor, it was through that channel that the waters of the River flowed into the sea.

Since 1858 that state of things has entirely changed. There is now no such thing as a fixed harbor entrance or a fixed harbor mouth. The waters of the River enter the sea at any place where they can most easily break through the sand heaped up by the sea; and where there was formerly a single tongue of land, there is now a chain or group of shifting islands.

Two processes are observable in this history of growth and destruction; one the gradual accretion of the sand spit known as the Punta de Castilla, it grew across the mouth of Greytown Harbor from East to West, the other the more or less sudden breaking through of this spit by the action of the sea or by the pressure of the waters of the river, and, as it appears, occasionally by the hand of man.

To these facts, the following rules, adopted in International Law, are applicable:

First: When a river, or one of its banks, forms the boundary between two States, it continues such without regard to changes produced by gradual accretion or gradual erosion. In the event of addition by accretion, these belong to the owner of the bank on which they are formed.

Second: When a river, which serves to mark the boundary between two States, wholly or partially deserts its old channel and forms for itself a new one entirely within the borders of one of the two States, the old channel remains the boundary.

These principles are stated and amplified in numerous works on both International and Municipal Law, among which I refer to the following:

- Grotius, Lib. II, Cap III §§ 16,17;
- Vattel, Lib. I, Cap XXII, §§268-270;
- Rutherford, Book II, Ch IX, §7;
- Steffter, §66;
- Phillimore, Vol. I pp 342-345 (3rd ed. 1879).
- Calvo, Livre V. §§341-2 and authorities there cited (ed. 1887).
- Angell on Watercourses §48a 59a;
- New Orleans v. U. S. 10 Peters 662, 717;
- Banks v. Ogden, 2 Wall.57;
- Opinion of Atty. General Cushing, 8 Op. 175.

This last authority relates to the shifting bed of the Rio Grande, forming part of the boundary between the United States and Mexico, and it is understood that the views there expressed have always commanded the assent of both nations in the numerous discussions that the varying character of the Rio Grande has occasioned.

Applying these principles to the facts on the case in hand, I conclude that whatever has added by accretion to the sand spit known as Punta de Castilla, became a part of it, and so a part of the territory of Costa Rica. When the water broke through the spit, the part thereby severed remain Costa Rican territory still. Any growth of or addition to such a severed part, by accretion, did not affect the title. And the breaking through or washing away of a portion of such an island, or its division into two or more smaller parcels, would still leave what remained a part of Costa Rica.

The boundary line, under the Treaty of 1858, must therefore begin at, and include within Costa Rica, the islands which by a process of accretion and disruption have been formed from the sand spit that was originally the extremity of the Punta de Castilla.

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

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

These two questions relate to the same subject, and must be considered together.

The Treaty provides, for the western part of the boundary that from a point on the Sapoá River, two miles from its mouth, “an astronomic straight line shall be drawn to the central point (el punto céntrico) of the Salinas Bay in the South Sea, where the line marking the boundary between the two contracting Republics shall end.”

It is admitted by both parties that this bay is correctly delineated on the U.S Hydrographic Office Chart entitled “Salinas Bay. From a Survey in 1885 by the Officers of the U.S.S Ranger.”

This chart exhibits the Bay as a deep somewhat irregular sheet of water about four and a half miles long by nearly three miles wide of a horse shoe shape and looking a little to the north of west.

Nicaragua contends that the “central point” is to be formed by treating the mouth of the Bay as marked on either side by Punta Mala and Punta Sacate, and that then a point should be fixed on the shore which – measuring along the shore line– is equidistant from each of these starting points. Such a construction of the Treaty seems to me to be clearly inadmissible. The central point of the Bay cannot, under any ordinary interpretation, mean a point on the shore. The center of the Bay must be the center of the geometrical figure formed by the shore of the Bay and a straight line drawn across its mouth. The centre of a circle is not on its circumference.

The boundary line, it is true, does not run beyond the shores of the Bay, for the Bay, by Article IV of the Treaty, is to be common to both Republics. But this is but an apparent difficulty which can not overcome the plain language of the Treaty. The central point of the Bay is adopted only as fixing the direction of the line. The line ends at the shore, and starting from that extremity, the boundary of Nicaragua runs along the waters of the Bay and the Pacific Ocean in a North westerly direction past Punta Mala and Punta Arranca Barba; while the boundary of Costa Rica runs to the Southward and Westward along the shore, circling round to take in the land above Punta Sacate, and so to the South along the Pacific.

In determining the centre of the Bay, it is first necessary to fix its limits towards the Ocean. Upon this point no dictionary or other authority will serve to define a priori what is the mouth of such a bay, nor can any rule be laid down. It is a matter which must be decided arbitrarily, upon an examination of the natural features laid down on the Chart. After careful reflection, it seems to me that the Bay to Seaward is best defined by a straight line drawn from Punta Arranca Barba to the westernmost part of the land about Punta Sacate. This line will run almost exactly true South.

The problem of finding the centre of the irregular figure thus formed is one which may be worked out by familiar mathematical methods. This has been

carefully done, with the result of fixing as a central point of the Bay a point in Latitude 11°03'48" North, Longitude 85°43'30.4" West from Greenwich, - taking the latitude and longitude of the summit of Salinas Island to be as fixed by the officers of the Ranger, Lat. 11°03'10" N., Long 85°43'58 W.

It may be added, for convenience or reference, that this central point lies nearly on a line from the easterly end of Salinas Island to Punta Mala, and about five – eights of a nautical mile distant from the former.

“4. Nicaragua consented, by Article IV, that the Bay of San Juan, which always belonged to her and over which she exercised exclusive jurisdiction, should be common to both Republics; and by Article VI she consented also that Costa Rica should have, in the waters of the River, from its mouth on the Atlantic up to three English miles before reaching Castillo Viejo, the perpetual right of free navigation for purposes of commerce. Is Costa Rica bound to concur with Nicaragua in the expense necessary to prevent the Bay from being obstructed, to keep the navigation of the River and port free and unembarrassed, and to improve it for the common benefit? If so-

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

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

The representatives of Nicaragua have very earnestly and eloquently pressed upon the consideration of the arbitrator the supposed injurious effects to the future of both countries of a decision that should exempt Costa Rica from contributing to the cost of improvements in the River and Harbor of San Juan, or should declare that Costa Rica was entitled to an indemnity if her territory was occupied or flooded. But with the consequences of his decision, the arbitrator has nothing to do. He can only construe the agreement which the parties have seen fit to make; he can not frame a new agreement for them.

The Treaty of 1858 is confessedly silent upon the questions now under consideration, and it is only by implication that Nicaragua deduces answers favorable for herself.

The first question to be considered is whether Costa Rica is bound to contribute to the expense of improving the navigation of the River or Harbor of San Juan. And this question must be divided, and the facts in regard to the River and the Harbor considered separately.

The River lies wholly within the borders of Nicaragua. Costa Rica, possessing one bank for a portion of his course, has only what may be described as an easement or servitude in its waters. Under the Treaty, she has the right of navigation for purposes of commerce, and, by implication, such other ordinary riparian rights as may be enjoyed without affecting the sovereign rights of Nicaragua. It is, therefore, perfectly clear that if Nicaragua chooses to improve the River, she cannot compel Costa Rica to contribute to this expense, for the River belongs to Nicaragua subject to only to such conventional rights as are secured to Costa Rica by the Treaty.

With regard to the Bay, the facts are different. The Bay is “common to both Republics”. It is property owned jointly. But in such a case one owner cannot ordinarily incur expense upon the common property and charge the other with a share of that expense. It is one of the necessary incidents and defects of joint ownership that both parties must concur in dealing with their common property.

It follows, that the question marked 4 must be answered in the negative; and to question number 5 it must be answered that Costa Rica need bear no share of the expenses referred to, unless an agreement shall be made on the subject.

The next point of enquiry is whether Costa Rica can prevent Nicaragua from executing at her own expense, works of improvement. Here again the distinction between the Bay and the River must be borne in mind.

So far as the River is concerned, Cost Rica cannot interfere with any works of improvement if her territory be not invaded and her rights in the River or in the Colorado and Taura be not impaired. If, for example, the work of improvement tended to divert water from the Rio Colorado to the San Juan, Costa Rica might, - if she chose-, interpose a valid objection.

In respect of the Harbor, Costa Rica being one of the joint owners, would have a right to prevent any work being done without her consent.

Nicaragua then enquires whether Costa Rica can demand indemnity for land occupied or flooded in the course of the improvements. To this the answer must be that Costa Rica has the right of repelling any invasion of her territory, she has also the right of demanding indemnity in case that a portion of her soil is occupied without her consent by structures, such as dikes or dams, or is flooded by a raising of the level of the River.

“7. If, in view of Article V of the Treaty, the branch of the San Juan River known as the Colorado River must be considered as a limit of Nicaragua and Costa Rica, from its origin of its mouth on the Atlantic?”

The Article of the Treaty referred to is as follows:

“Art. V: During the time that Nicaragua may not recover full possession of all her rights in the Port of San Juan del Norte, the Punta de Castilla shall be used and possessed entirely in common by Nicaragua and Costa Rica alike, the whole passage of the Colorado River being designated by as its boundary, so long as this community of use and possession lasts. It is further agreed that as long as the said port of San Juan may exist classified as free, Costa Rica shall not collect from Nicaragua port dues at Punta de Castilla.”

In order fully to understand the scope of this Article, and of the enquiry based upon it, it is necessary to recall the position in which Nicaragua found herself situated, with respect to San Juan del Norte, at the time of the execution of the Treaty of 1858. The circumstances are matters of common historical knowledge, and have formed the subject of voluminous diplomatic correspondence on the part of the United States.

For many years previous to the periods now in question, and as far back indeed as the XVIIth century, relations of some sort had existed between the British Government and the inhabitants of an extensive and ill-defined tract on the Atlantic shores of Central America, known as the Mosquito Coast. It would be unprofitable to examine closely the history and character of these relations; but it may be stated in a general way that they practically ceased for some years after the treaties of 1783 and 1786 between Great Britain and Spain. About 1840,

however Great Britain [...] to advance certain claims, and she asserted the existence of the Mosquito Indians as an independent and sovereign nation under the protection of the British Government. At a later date it was declared that the limits of the Mosquito Kingdom extended as far south as the River San Juan; and on the 1st January 1848, H.B.M. ships Vixen and Alarm, in the name of the Mosquito King, took forceful possession of the Town and Harbor of San Juan del Norte. Against these acts the Government of the United States earnestly protested, denying the existence of the Mosquito Indians as an independence nation, and urging upon Great Britain the restoration of San Juan del Norte to the Nicaraguan authority.

These efforts were, for a long time, unavailing. In 1858 no conclusion had been reached San Juan del Norte, or – as it was then named – Greytown, remained under the nominal sovereignty of the Mosquito King. Its affairs were in fact administered by a local government of the inhabitants, who had adopted a constitution and laws of their own, as whose de facto rule was respected by the United States and Great Britain, pending a final settlement of the various questions in dispute. The Republic of Nicaragua had possession of no part of this district and exercises no authority within it. But negotiations had then been for a long time progressing which look to a restoration of her authority. In these negotiations the question of constituting the Harbor of Greytown or San Juan del Norte as a free port, had always been a great feature.

In 1860 these negotiations were brought to a close by the Zeledón – Wyke Treaty, between Great Britain and Nicaragua, signed at Managua, on the 28th January of that year. By this Treaty, Great Britain withdrew her protectorate, and recognized the sovereignty of Nicaragua over all the Mosquito territory; and it was agreed that a reservation – within which Greytown was not included, - should be set aside for the Mosquito Indians. The important provisions of the Treaty, for present purposes, are the following:

“Article VII. The Republic of Nicaragua shall constitute and declare the port of Greytown or San Juan del Norte, a free port under the sovereign authority of the Republic. But the Republic, taking into consideration the immunities heretofore enjoyed by the inhabitants of Greytown, consents that trial by jury in all cases civil or criminal, and perfect freedom of religious belief and worship, public and private, such as has hitherto been enjoyed by them up to the present moment, shall be guaranteed to them for the future.

“No duties or charges shall be imposed upon vessels arriving in, or departing from, the free port of Greytown, other than such as may be sufficient for the due maintenance and safety of the navigation, for providing lights and beacons, and for defraying the expense of the police of the port; neither shall any duties or charges be levied in the free port on goods arriving therein, in transit from sea to sea. But nothing contained in this Article shall be construed to prevent the Republic of Nicaragua from leaving the usual duties on goods destined for consumption within the territory of the Republic.”

The provisions of the Treaty were duly carried out by the surrender of Greytown to the Nicaraguan authorities, and Nicaragua has for about twenty seven years exercised undisputed authority in that place, subject only to such restrictions as were imposed by the stipulations of the Treaty above referred to.

It is now contended by Nicaragua that, in view of the existence of these restrictions, she has not yet recovered “full possessions of all her rights in the port of San Juan del Norte”, within the meaning of Article V of the Treaty of Limits of 1858.

These restrictions are of two kinds; the provisions as to trial by jury and religious liberty on the one hand, and the provisions as to harbor and custom dues in the other.

So far as the guarantee of trial by jury and religious liberty is concerned, I can find no deprivation of the rights of Nicaragua. There is only a grant of certain privileges to individuals which does not in least impair the sovereign rights of the Republic.

The agreement that Greytown shall be a “free port under the sovereign authority of the Republic” is not a deprivation of rights within the meaning of, the Treaty of Limits. Article V of that Treaty is divided into two sentences. The second sentence creates no difficulties of interpretation. That simply provides that so long as San Juan del Norte remains a free port “Costa Rica shall not collect from Nicaragua port dues at Punta de Castilla”.

But Nicaragua contends that a continuous deprivation of her rights is found in those provisions of the Zeledón- Wyke Treaty which forbid the leaving of dues on Vessels (as distinguished from goods), except for specified purposes.

This contention proceeds upon the theory that the term “free port” does not involve the idea of a restriction of dues upon vessels, but only of dues upon goods. Such, however, is not the view of all authorities, and especially of all Spanish writers. I cite the following definitions from works published shortly before the Treaty of Limits of 1858 and the Zeledón – Wyke Treaty of 1860.

Elementos del Derecho Mercantil Español, by D. Damian de Sogravo y Craibe (Madrid 1846) “Free ports are such commercial towns as enjoy the franchise of importing and exporting every kind of merchandise, domestic or foreign, without other charge thereon than the costs of navigation with respect to the vessel itself (gastos de navegación relativos al buque).”

Mellado, Enciclopedia Moderna, Madrid 1854. Free port.— One in which vessels of all nations of the world may anchor, load and unload, without paying any dues.”

Caballer, Diccionario General de la Lengua Castellana, (Madrid 1856). “Free port.- One in which the ships of any nations whatever may come and go without paying dues.”

Chao, Diccionario Enciclopédico de la Lengua Española, (Madrid 1853-1855): “Free port.- One in which the ships of any nation whatever may come and go without paying dues on themselves or their merchandise”

Domínguez, Diccionario de la Lengua Española (Madrid 1856): “Free port.— One in which the ships of any nations whatever may come and go without paying dues either on the vessels or the cargos or merchandise.”

But even assuming that the words “free port” in the two Treaties referred to were intended to describe a port in which only goods, and not vessels, were free from dues, I am of the opinion that the limitation upon the power of Nicaraguan to impose dues on vessels, is not one of which she can now complain.

When in 1860 the Zeledón-Wyke Treaty was negotiated, Nicaragua might have refused to accept the surrender of Greytown, except unconditionally. If she had so refused, it is possible that the British forces might have still excluded her from Greytown,- but she would then have continued to enjoy the use of Punta de Castilla in common with Costa Rica. Nicaragua instead agreed to receive back Greytown, subject to the limitation that dues on vessels should only be laid for certain purposes. This was the price she voluntarily agreed to pay for the

restoration of her possession and her rights of sovereignty; and having voluntarily agreed to limit the amount of harbor dues, she cannot now insist that she has not yet recovered full possession of all her rights in the port.

The agreement as to freedom of goods in transit, is not a deprivation of any rights.

From an attentive consideration of the historical aspect of the question, as well as of the language of the Treaties, I am convinced that Nicaragua has, within the meaning of Article V of the Treaty of 1858, recovered “full possession of all her rights in the port of San Juan del Norte;” and that the Rio Colorado is not to be held as forming any part of the boundary between Costa Rica and Nicaragua.

“8. If Costa Rica, who, according to Article VI of the Treaty, has only the right of free navigation for the purposes of commerce in the waters of San Juan River, can also navigate with men-of-wars or revenue cutters in the same waters?” This, in a slightly different form, is identical with the question of interpretation put in the Treaty of Arbitration, and has already been disposed of.

“9. The supreme control (sumo imperio) over the San Juan River from its origin in the Lake and down to its mouth on the Atlantic, belonging to Nicaragua according to the text of the Treaty, can Costa Rica reasonably deny the right of deviating those waters?”

The form of this question fails to take into account some of the facts which are of importance in arriving at a conclusion with regard to the rights of Nicaragua; for although the San Juan proper is wholly within Nicaraguan territory, and although Nicaragua is vested with the dominion and supreme control over its waters, yet it must be remembered that the Taura and Colorado mouths lie wholly within Costa Rican territory, that Costa Rica possesses one bank of the San Juan proper for a large part of its course, and that she has “the perpetual rights of free navigation” on the lower waters of the stream.

The rights of Costa Rica are of two kinds: -

1. Such as accrue to her from her ownership over that part of the waters of the San Juan that reach the sea through her territory by way of the Rio Colorado and the Taura,

2. The perpetual right of free navigation in the San Juan proper, as conferred by Article VI of the Treaty of 1858.

With regard to the rights arising from the ownership of the two mouths of the San Juan known as the Colorado and Taura, it seems plain that Nicaragua may not rightfully impair them by any diversion of the waters of the San Juan. As between individual riparian owners, it is believed to be the law of all civilized nations that it is in general illegal to divert a watercourse; for, it is said, every riparian owner is bound, as regards his rights to the water of a stream, to respect the maxim sic utere tuo ut alienum non laedas. The question is much discussed in Angell on Watercourses §§ 97-108. And as between nations, the rule appears to be the same.

The Government of the United States has on more than one occasion asserted the right to interfere in preventing the diversion, in other countries, of streams which flowed through or pass its borders. See Wharton's International Law Digest, § 20.

With respect to an impairment of the right of navigation secured by the Treaty of 1858, the case seems to be equally clear. The rule is thus laid down by Vattel, Chap XXII, §§ 271-273:

“It is not allowable to raise any works on the bank of the river, which have a tendency to turn its course, and to cast it upon the opposite bank, this would be promoting our own advantage at our neighbor's expense... If a river belongs to one nation, and another has an incontestable right to navigate it, the former cannot erect upon it a dam or mill which might render it unfit for navigation. The right which the owners of the river possess in this case is only that of a limited property; and, in the exercise of it, they are bound to respect the rights of others... This right [of navigation] necessarily supposes that the river shall remain free and navigable, and therefore excludes every work that will entirely interrupt its navigation”

These views are not so far, as I am aware, in any respect questioned by other writers on international law; and it may be laid down as a general rule that where

one State has, by treaty or by international law; a right to the free navigation or other use of the waters of the lower part of the river, such a river cannot be obstructed or its waters diverted by another State, having control of the upper waters of the stream, as to destroy or seriously impair the rights of the former State.

It follows, that Nicaragua has not the right of deviating the waters of the San Juan.

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

It is not clear, from this question, what the Government of Nicaragua means by the phrase “considering that the reasons of the stipulation (los motivos de la estipulacion) contained in Article VIII of the Treaty “have disappeared”. On turning to the Treaty itself, we find that Article VII provides that nothing contained in the Treaty shall invalidate obligations previously incurred by Nicaragua in regard to canalization or public transit. Article VIII provides that if the contracts of canalization or transit_theretofore entered into by Nicaragua should happen to be invalidated, she will not enter into any other arrangement without first hearing the opinion of Costa Rica; “and, if the_transaction does not injure the natural rights of Costa Rica, the vote asked for shall be only advisory”.

It will be perceived that no reasons or motives are stated for these stipulations, and everyone may conjecture for himself what they were. I should suppose that sufficient reasons might be found in the strong interest which Costa Rica would necessarily feel if any means of interoceanic transit that lay close to her borders. The representatives of Nicaragua contend that the motives of the stipulation are to be found in the dread of Walker and the filibusters, who had not then been entirely defeated, and who –it is said- might be expected to gain access to Central America under the guise of securing a concession for building a canal. But it is plain that any such surmises, even if the arbitrator thought them probable, could never form the basis for his decision; for they fall far short of the clear proof which alone could justify an application of the maxim, invoked by Nicaragua, cessante ratione, cessat ipsa et lex.

It follows that the provisions of Article VIII must be held to be still in full force.

The second part of the question enquires what are the “natural rights” of Costa Rica, alluded to in this stipulation, and in what cases they must be deemed injured. The words “natural rights” must be considered with reference to the subject matter of the Treaty; and in this light; the answer does not appear difficult. The natural “rights” of Costa Rica are those rights which, in view of the boundaries fixed by the Treaty of Limits, she possesses in the soil thereby recognized as belonging exclusively to her, - in the harbors of San Juan del Norte and Salinas of which she is a joint proprietor, - and in that part of the delta of the River San Juan which she owns or of the portion of the River itself in which she has perpetual rights of free navigation and other riparian rights.

It is impossible to foresee all the cases in which these rights would be impaired; but it may be enough to say generally that, within the meaning of the Treaty, an appropriation or flooding of Costa Rican soil, an encroachment on the harbors above mentioned, or an obstruction or deviation of the waters of the San Juan which should destroy or seriously impair the navigation of the waters of that stream from a point three miles below Castillo Viejo, would “injure the natural rights of Costa Rica”.

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

The Treaty does not, in terms, give Costa Rica any such rights.

Nicaragua, under Article VIII of the Treaty, is bound to consult Costa Rica before entering into any agreement for the construction of an inter-oceanic canal; but is not bound to adopt her views if “the transaction does not injure the natural rights of Costa Rica”. In such cases Costa Rica would be neither in form nor in substance a party to the grants Nicaragua might make, nor entitled to share in the profits reserved in the concessions.

If, on the other hand, the transaction were one which did “injure the natural rights of Costa Rica”, the vote asked for would sense to be only “advisory”. In that event, Costa Rica would have a right of veto, and, her assent being essential to the validity of the agreement, she would in effect become a party to any complete grant for inter-oceanic transit. Costa Rica would be entitled to demand such compensation as might be just, for the concessions she was asked to make; but she would not be entitled to share in the profits reserved for Nicaragua.

The question, as propounded, is some what ambiguous, but it may be answered thus: The Treaty of April 15, 1858, gives Costa Rica a right to be a party to grants for inter-oceanic canals only in cases where the construction of the canal involves an appropriation or flooding of Costa Rican territory, - or an encroachment on the harbors of San Juan del Norte or Salinas, or the destruction or serious impairment of the miles below Castillo Viejo.

Costa Rica has the right to demand such compensation as may be just for the concessions she is asked to make; but is not entitle to share in the profits that Nicaragua may reserve for herself as a compensation for such favors and privileges as she, in her [...], may concede.

I have thus considered all the questions submitted to the arbitrator, and I respectfully advise that an award be made in accordance with the foregoing views. I submit herewith a form of award which, if my conclusions be approved, maybe executed in triplicate, -one copy to be filed in the Department of State, and the others to be delivered to the representatives of the Governments of Costa Rica and Nicaragua respectively.

G. L. Rives

Department of State
Washington
March 2nd, 1888

ANNEX 2

Fifth Award of the Arbitrator E.P. Alexander, 10 March 1900 (excerpt from Proceedings XXIV)

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

[...]

New York, March 10 1900.-

Award No. 5

To the Boundary Commissioners of Costa Rica and Nicaragua.

Gentlemen:- In the discharge of my duties as Arbitrator of whatever differences may arise in your work of tracing and marking the boundary line between the countries you represent, I was called upon in October last, by the Nicaragua Commission, to declare what point in Salinas Bay should be taken as its centre, in laying out the final course of the boundary, from its meeting with the Sapoa River to its ending upon this bay.- The work in the fields, at that time was near San Carlos, with some months of work ahead before it could reach the Sapoa River, but the decision was asked in advance to allow time for argument, and yet avoid any delay when the work arrived at that point.-

The Nicaraguan Commission, along with its request that I should fix the central point of the Bay, submitted a statement of its views in the matter; and some extracts from the proceedings of a former joint Commission which in 1890 considered this subject, and seemed not far from an amicable agreement, but finally dissolved without effective action.-

This exposition of its views by the Nicaraguan Commission was immediately transmitted to the Costa Rican Commission, who were invited to make such reply as they saw fit.-

Both Commissions were also informed that as an amicable agreement seemed possible.- I would delay marking any award in the matter as long as that possibility seemed to exist and I asked to be informed from time to time of progress.-

No such agreement has been arrived at.- Nor has the Costa Rican Commission submitted any statement or comments upon the views of the Nicaraguan Commission above referred to.-

Meanwhile, the working parties in the fields will soon reach the Sapoa River, and must then suspend work until the central point of Salinas Bay is determined, before they can fix the direction of the final course of the boundary line.

To avoid this delay, and its consequent expense to both governments, I can no longer suspend my award in this matter.- But it is proper to point out in this connection, that my award has no effect to prevent amicable agreement for being even get arrive at.-

Power is given the Commissioners, in the Treaty of 1858, “to diverge from the straight astronomical line between Sapoá and Salinas, provided they can agree upon this, in order to adopt natural land marks”.-

This power is no way restricted or abridged by my award which only determines where a straight astronomical line will run.-

Having therefore duly considered the whole matter. I announce my award as follows:

The provisions of the Treaty of 1858 bearing upon this matter are these:

From Article II.- “From the point where the boundary touches the river Sapoá, which, as before said, must be two miles from the lake, a straight astronomical line shall be projected to the central point of the bay of Salinas, in the sea of the South, at which place will terminate the demarcation of the territory of the two contracting Republics”.-

From Article IV. “The bay of San Juan del Norte, as well as that of Salinas, shall be common to both Republics, and consequently their advantages and the obligation to unite for their defense shall be common also”. The interpretation of this treaty upon all doubtful points was submitted to President Cleveland in 1888, and his award upon this matter was in the following very clear provision:

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

“3.By the central point of Salinas Bay is to be understood the centre of the geometrical figure formed as above stated.”

“The limit of the Bay towards the ocean is a straight line drawn from the extremity of Punta Arranca Barba, nearly true South to the westernmost portion of the land about Punta Sacate”.-

In the argument made by the Nicaragua Commission, it is submitted to me that the true limit of the Bay should be a line between Punta Sacate and Punta Mala. This would be between one and two miles inside of the line fixed by President Cleveland's award. It is unnecessary to discuss the merit of this claim.

By the Matus-Pacheco Treaty made at San Salvador, March 24, 1896, this award was adopted as the law for this Commission.-

The first article of that Treaty is as follows: "The contracting Governments are bound to appoint a Commission respectively, each composed of two engineers or surveyors, for the purpose of duly defining and marking out the dividing line between the Republics of Nicaragua and Costa Rica, according to the stipulations of the Treaty of 15th April 1858, and the Award of the President of the United States of North America, Mr. Grover Cleveland."-

The powers of arbitration given me in the second article of this Treaty, "to decide whatever kind of difficulties that may arise", are plainly to be exercised only within the limits set by Article one. Where the meaning of President Cleveland's award is not in question I have no authority to set it aside.-

As to the unfinished work and partial agreements of 1890, they were all set aside by this Treaty of 1895. It may be noted that the territory which would have accrued to Nicaragua by the proposed amicable adoption of the line from Punta Sacate to Punta Mala as the limit of the Bay would be about three-fourths a mile of shore port.

It is further set forth in the Nicaraguan argument that the line from Sapoa to the centre of the Bay loses its character as a dividing or boundary line where it leaves the shore and enters upon the waters of the Bay. This indeed, seems to follow from article IV, of the Treaty of 1858, already quoted, which declares the waters of the Bay to be common and from the fact that the line is terminated as the centre of the Bay, and not extended to the Ocean.-

But, in my opinion, the functions of this Commission are limited to the defining and marking out of the dividing line between the Republics.- The legal character of that portion of the line upon the water, and perhaps some questions of jurisdiction, which might arise, are at least beyond the scope of the present inquiry which is merely the location of the centre of Salinas Bay as described in the Award of President Cleveland.-

The Bay of Salinas was carefully surveyed and mapped by officers of the U. S. Navy in 1885, and a map of the same is published in the U. S. Naval Hydrographic office, N° 1025. I have adopted this map with the consent of both

commissions as correctly representing the out line of the Bay. In shape it is a curved pocket, starting east and bending southward, about five miles long, and about one half of that in average width. Its outline a little resembles the rounded handle or butt of a pistol, with some irregular projections and indentations.-

It is desired to find the mathematical centre of this figure, closed by the straight lines joining the headland of the Bay.

The mathematical centre of an irregular figure is the (did position) mid position of its area.- All mechanical centres, such as the centre of gravity (of) or of equilibrium etc. in which the action of any force is concerned, must be excluded from consideration.

This will readily appear if we consider for a moment the case of a bay in the shape of a crescent. The centre of gravity of its figure would not fall upon the water of the bay at all, but upon the promontory of lands embraced by the water. This, of course, could not be considered as the centre of the bay.

Neither is any general mathematical process applicable, such as that of the method of Least Squares. This method will find the centre of any group of random spots, but were they disposed in crescent form, the centre would be, not among them, but within the convex space which they partially surround.- Other methods must therefore be devised for finding the midposition of irregular and restricted areas, and many might be suggested, more or less applicable to different figures. But it will be sufficient here to indicate only the method which I have adopted as best suited to the figure in hand possessing, as this does, something of a curved or crescent shape.

I have supposed, a vessel to enter the Bay from the Ocean, at a point midway between its headlands, and to sail a course, as nearly as possible equidistant between the opposite shores, on the right and left, until it has penetrated further remotest point of the Bay.-

This course, being carefully plotted upon the map, although curved, may be taken as the long axis of the Bay.-

At right angle to it, at different points, I have drawn straight lines reaching across the Bay from shore to shore and by use of a planimeter I have determined the position of such a line which will exactly divide the whole area of the Bay into equal parts. This line may be taken as the corresponding short axis of the Bay and its intersection with the long axis will be the centre of the Bay.-

When at that point, a line drawn across the bow of the supposed vessel, perpendicular to her course, would have one half of the waters of the Bay in front of it and one half behind it.-

Having carefully located the point in this manner, I have determined from the scale of the map its distance from the summit point of the small island in the bay, where latitude and longitude are given upon the map as follows:-

Latitude $11^{\circ} 03' 10''$.-

Longitude $85^{\circ} 43' 38''$.-

It proves to be 37 seconds to the northward and 14 seconds to the eastward of this point.-

I therefore fit the position of the centre of Salinas Bay to be;

Latitude : $11^{\circ} 03' 47''$ North.

Longitude $85^{\circ} 43' 52''$ West

Toward this point the boundary line must run from its meeting with the Sapoia River, unless the two Commissions can agree upon a line with natural landmarks.-

I am Gentlemen, very respectfully, your obedient servant: E. P. Alexander,
Engineer-Arbitrator.-

[...]

ANNEX 3

Treaty on Delimitation of Marine and Submarine Areas and Maritime Cooperation between the Republic of Colombia and the Republic of Costa Rica of 1977

Source: *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Counter Memorial of the Republic of Colombia, Vol. II-A, Annex; Division for Oceans Affairs and the Law of the Sea, United Nations

<http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/TREATIES/COL-CRI1977MC.PDF>

**Treaty on Delimitation of Marine and Submarine Areas and Maritime Cooperation
between the Republic of Colombia and the Republic of Costa Rica
(17 March 1977)**

The Republic of Colombia and the Republic of Costa Rica,
Realizing that international cooperation and reciprocity constitute the best means to resolve matters of common interest to nations which are friends,

Agreeing on the advisability and need to delimit their marine and submarine areas in the Caribbean Sea,

Concurring on safeguarding the sovereignty and jurisdiction of marine areas belonging to each country and the free and unimpeded transit through them,

Mutually interested in the adoption of adequate means for the preservation, conservation, and exploitation of the resources existing in those areas, and for the prevention, control, and elimination of their pollution, have decided to conclude a Treaty and for that purpose have appointed as their plenipotentiaries:

The President of the Republic of Colombia: Dr. Heraclio Fernández Sandoval, Ambassador Extraordinary and Plenipotentiary in Costa Rica;

The President of the Republic of Costa Rica: Dr. Gonzalo J. Facio, Minister of Foreign Relations,

Who, after exchanging their respective full powers, found in proper and due form, have agreed as follows:

Article 1

To delimit their respective marine and submarine waters which are established or may be established in the future by the following lines:

A. From the intersection of a straight line, drawn with azimuth 225° (45° SW.) from a point located at lat. 11°00'00"N. and long. 81°15'00"W., with the parallel 10°49'00"N.

West along the said parallel to its intersection with the meridian 82°14'00"W.

B. From the intersection of the parallel 10°49'00"N. and the meridian 82°14'00"W., the boundary shall continue north along the said meridian to where delimitation must be made with a third State.

N.B. The agreed lines and points are shown on the nautical chart, signed by the plenipotentiaries, which is annexed to this Treaty, it being understood that in all cases the wording of the Treaty shall prevail.

Article 2

To accept and respect the methods by which each of the two States currently exercises or may in the future exercise its sovereignty, jurisdiction, supervision, control, or rights in the marine and submarine areas adjacent to its coasts, delimited pursuant to this Treaty, in conformity with what each country has established or may establish in the future and with the regulations laid down by its domestic law.

Article 3

To develop the broadest cooperation between the two countries for the protection of the renewable or nonrenewable resources found within the marine or submarine areas over which they exercise or may in the future exercise sovereignty, jurisdiction, or supervision and to use those resources for the welfare of their peoples and their national development.

Article 4

To support the broadest international cooperation in order to coordinate the conservation measures which each State

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applies in the zones of the sea subject to its sovereignty or jurisdiction, particularly as regards species that move beyond its jurisdictional zone, taking into account the recommendations of appropriate regional organizations and the most accurate and current scientific data. The said cooperation shall not impair the sovereign right of each State to adopt, within the framework of its respective maritime jurisdictions, the rules and regulations that it deems pertinent.

Article 5

To offer each other the greatest possible facilities for the purpose of developing activities to exploit and use the living resources of their respective maritime jurisdictional zones through the exchange of information, cooperation in scientific research, technical collaboration, and encouragement of the formation of mixed corporations.

Article 6

Each of the Parties expresses its determination to cooperate with the other, in accordance with its possibilities, in the application of the most adequate measures to impede, reduce, and control any pollution of the marine environment which affects the neighboring State, irrespective of the source of such pollution.

Article 7

To support the broadest cooperation to promote rapid development of international navigation in seas subject to the sovereignty or jurisdiction of each State.

Article 8

This Treaty shall be subject to the constitutional formalities of ratification by the High Contracting Parties and shall enter into force upon the exchange of the instruments of ratification which shall take place at Bogotá, Republic of Colombia.

This treaty is signed in two copies, in the Spanish language, both texts being equally authentic.

Signed at San José, Republic of Costa Rica, on March 17, 1977.

ANNEX 4

Proceedings of the Costa Rica-Nicaragua Demarcation Commission (1897-1900), Proceedings VI

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

Proceedings VI

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

TABLE

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

To the highest point of the mountain at Monkey-Point (Punta de Mono)

89°.05'

To the small island in front of Monkey Point

92°.24'

To the islet that resembles a tree in the sea

93°.33'

To the conical hill in the direction of Indio River

50°.52'

To the true initial point of the boundary line that lies 300 feet from the hut

41°.09'

The Commissions agree on the following type of monument to be built at the Hut: on a circular concrete platform two and a half feet thick by diameter of six and a half feet in diameter, that will serve as the base, a cylinder will rise, also made of concrete, of four feet and ten inches in diameter by three feet, four inches high.- A granite cube of one meter in edge length will be placed on top of this cylinder, which will have the following inscriptions in bronze: -on the northwest face -"J. Santos Zelaya, President of Nicaragua- Commissioners- Salvador Castrillo-

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

E.P. Alexander

Luis Matamoros
W. Climie
Leónidas Carranza
Castrillo

Salvador

ANNEX 5

Proceedings of the Costa Rica-Nicaragua Demarcation Commission (1897-1900), Proceedings X

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

Proceedings X

In the Town of San Juan del Norte, at eight o'clock in the morning, on March the second of the year eighteen hundred ninety eight, in the customary place= the Commissioners for the State of Nicaragua being absent, as per their document dated January seventh of year eighteen hundred and ninety-eight, Engineer Andrés Navarrete, Commissioner representing the Government of Costa Rica, requested that, in compliance with Article V of the Matus Pacheco Convention of March the 27th 1896, the Engineer Arbiter participate in the delimitation operations that should be carried out in the absence of those gentlemen= The delimitation Commissions, being reincorporated with the participation of the Engineer Arbiter, proceeded first and foremost to emplace the Monument that determined the Initial Point of the dividing line on the Coast of the Caribbean Sea, linking it with the center of Plaza Victoria in San Juan del Norte= To that end, the following operations were performed= Astronomical observations to determine the azimuths =

San Juan del Norte - January 1898

TABLE

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

zero at South= Triangulation aimed at linking the Initial Point Monument or first marker with the Center of Plaza Victoria in San Juan del Norte .

**TABLE
CHART
TABLE**

The coordinates of the Monument or initial marker, taking as origin the center of Plaza Victoria in San Juan del Norte, therefore, are = $x = 4268.28$ East; $y = 2004.54$ North; astronomical Meridian; which results that the distance from the above mentioned center of the plaza to the aforementioned (marker) monument is 4715 – 55 (four thousand seven hundred fifteen meters fifty-five centimeters) with a geodetic azimuth of sexagesimal $244^{\circ} 50' 23''$ (two hundred forty-four degrees, fifty minutes, twenty-three seconds) = Therefore the bronze plate mentioned in Proceedings No. VI of October 2nd 1897 shall be sculpted, bearing the marker's coordinates and the following inscription = "This monument is located at a distance of 4715 - 55 with a geodetic azimuth of sexagesimal $244^{\circ} 50' 23''$ " from the center of Plaza Victoria in San Juan del Norte" = It was also agreed to have reference markers emplaced in relation with the first monument, one on the opposite margin of the Harbor Head lagoon, at 1139 meters from the first in a location marked there, with an azimuth of $66^{\circ} 41' 05''$; and the other in the aforementioned center of Plaza Victoria in San Juan del Norte = The following type was agreed regarding the markers that will serve as reference points for the first monument, that is to say: for the first one on the right margin of the Harbor Head lagoon, an iron pipe, approximately 40 centimeters in diameter (filled with concrete) and two meters in length, buried one and a half meters and filled with concrete; for the second, in the center of Plaza Victoria in San Juan del Norte, the same iron pipe, buried so that its upper end appears at ground level = then, in compliance with the Award issued by the Engineer Arbiter on December the 20th of 1897, the boundary line was measured as described in the Award of September 30th of 1897, starting from the initial marker, following around the Harbor and through the first channel met up to the river proper, and through this until pole No. 40 next to the source of the Taura River = (then, in compliance with the Award of December 20th of 1897 by the Engineer Arbiter) Said operations and their results are shown in the following table = Survey of the right margin of the Harbor Head lagoon and of the San Juan River, which constitute the dividing line between Costa Rica and Nicaragua =

TABLE
CHART
TABLE
TABLE
TABLE

Note: The abscissas or X are considered from East to West, while the Y or ordinates from North to South.= It should be noted that in the columns entitled “Points observed) the Arabic numerals accompanied by the letter “b” (abbreviation of “bis”) correspond to points located in the territory of Nicaragua that were surveyed solely for the purpose of aiding the operations:- points whose numerals are not accompanied by the letter “f” are located on the dividing line between both countries.- The angles were obtained by calculating the average of various observations”.- It was pointed out that, for greater clarity and with the permission of the Engineer Arbiter, it was agreed to include the results of the dividing line survey in the official records in small segments, instead of daily, which will also facilitate correcting the operations as necessary; and to position each point of the polygonal directrix linking them directly with the initial marker by rectilinear coordinates, whose zero or origin is assumed to be that monument.- And for the purposes of Art. 8 of the Matus – Pacheco Convention, we confirm all of the foregoing in these proceedings, which we sign and approve under our seals.- Corrigendum = On page 28 line 23 between the words “geographic” and “the one corresponding”, read “position of the observation”.- On page 28 line 30, between the words “pole” and “was”, read “No. III”.- And on page 28 line 21 the words “filled with concrete” are void.- On page 31, line 32, up to 34, the words “(then... “ up to “Arbiter”) are void.- On page 31 line 41 the numerals “365.83” = 323.90 = 170. 06 = written over what was erased are valid. On page 32 line 11 the numeral 66°10’00” = written over what was erased is valid. On page 32 line 12 the “77°13’00” written over what was erased is valid = on page 32, line 13, amendment 46°37’00”, is valid.= On page 35 line 26 in the “horizontal angles” column, read “189°31’40”” = In the following line of the same column read “323°08’40””, and in the following line of the same column read 345°38’40”- On page 36 line 7, 13, 14, of the azimuths column, the crossed out figures are void.****

E.P. Alexander

Andrés Navarrete

ANNEX 6

Proceedings of the Costa Rica-Nicaragua Demarcation Commission (1897-1900), Proceedings XIV

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

Proceedings XIV

In the City of San Juan del Norte, at eight o'clock in the morning on June three of the year eighteen hundred and ninety four – having arrived at this port on first day of this month, the gentlemen and engineers Mr. Andrés Navarrete Tejera and Mr. Salvador Gonzalez and Ramirez, Members of the Costa Rican Commission, they now present the appointment that was served to them by the Supreme Government of that Republic, in agreement of last May twenty-first and have consequently incorporated themselves to the Boundary Commission; Mr. Salvador Castillo represents the Nicaraguan Commission given that the Deputy Commissioner Urtecho is implementing the demarcation on the river. – Commissioner Navarrete states that his arrival here was delayed due to an illness he suffered upon entering Costa Rica and also due to the time invested in casting the plates. He also added that in his new character as Proprietary Commissioner he has already brought the piece of granite prepared with the four plates that have the inscriptions provided for in the previous proceedings. - Therefore, it is provided that the piece of granite is placed on the cairn and precise orders should be given to disembark it and transport it until it is affixed on said cairn. – Commissioner Castillo declares that the sketch that appears in these proceedings is the one that corresponds to the topographic work from Colorado up to Tamborcito, Station 108 and last one that was entered in the immediately preceding proceedings. – In the presence of the Arbiter, we all sign and authorize with our seals. – Note: in the second line of these Proceedings, where it states ninety four, it should read ninety eight.

Andrés Navarrete

E.P. Alexander

J. S. González R.

Salvador Castillo

SEALS

ANNEX 7

Proceedings of the Costa Rica-Nicaragua Demarcation Commission (1897-1900), Proceedings XV (excerpts)

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

Proceedings XV

In the City of San Juan del Norte, on December twenty-three of the year one thousand ninety-eight, at the location that serves as the Office of the Boundary Commission between Nicaragua and Costa Rica, the undersigned Commissioners acknowledge that: as of the last day of May of the current year, date of the preceding proceedings, the Commissions have continued their geodesic works without interruption, proceeding harmoniously throughout, from the last point to which Commissioner Castillo extended the work, called Tamborcito, and following the circumvallation of the river up to the point that is three English miles away from Castillo Viejo; all of this is pursuant to the provisions set forth at the end of Proceedings X, of March two of this same year; as the columns titled “Points Observed” contain the analyzed figures and accompanied by the letters “b”, abbreviation of “bis”, and encompassing the points situated in the territory of Nicaragua, surveyed for the sole purpose of assisting the operations; and the figures not accompanied with such letter “b” are located over the dividing line between the two countries, which in compliance with the provisions set forth in Proceedings XIV, over the starting cairn and its points of reference, the piece of granite was placed with the bronze plates on which the mandated inscriptions were engraved, and the points of reference were built in Harbor Head and in Victoria Square, having fully complied with the resolution of the Arbiter, General E. P. Alexander, on the length of the English mile referred to in the 1858 Treaty, as the mile was given the extension of 5280 English miles, and the three miles were measured from the point at which the outer fortification of El Castillo concludes in the River. The following table contains the result of all of the operations made up the stated point, at a distance of three miles from the exterior fortifications, point where the second dividing cairn will be placed and found as seen in the description of the curve:

TABLES

[...]

Andrés Navarrete
Salvador Castrillo

E.P. Alexander

Francisco de la Paz

J. Andrés Urtecho

SEALS

ANNEX 8

Proceedings of the Costa Rica-Nicaragua Demarcation Commission (1897-1900), Proceedings XVI (excerpts)

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

Proceedings XVI

In the City of San Juan del Norte, at four p.m. on June thirteenth of the year eighteen hundred and ninety-nine, the undersigned Commissioners met in the residential home of the Arbiter, General E. P. Alexander, who agreed to record and have recorded in these Proceedings, the operations performed by both Commissions since the date of the preceding proceedings and they place the following on the record: [...]

SKETCH MAPS

Finally, given the circumstance that the monument that is the starting point in Harbor Head has been tipped over by the sea and that both Commissions wish to conserve the monument as the sign for beginning the line, they have arranged to rebuild it at a point that can preserve it from invasions by the sea, and connecting it geodetically with the point it previously occupied, in the manner that will be explained in the subsequent Proceedings. With this, these Proceedings conclude, signed by the Commissioners in attendance, and authorizing their signatures with their respective seals.

E.P. Alexander

J. Andrés Urtecho

Francisco de Paz

SEALS

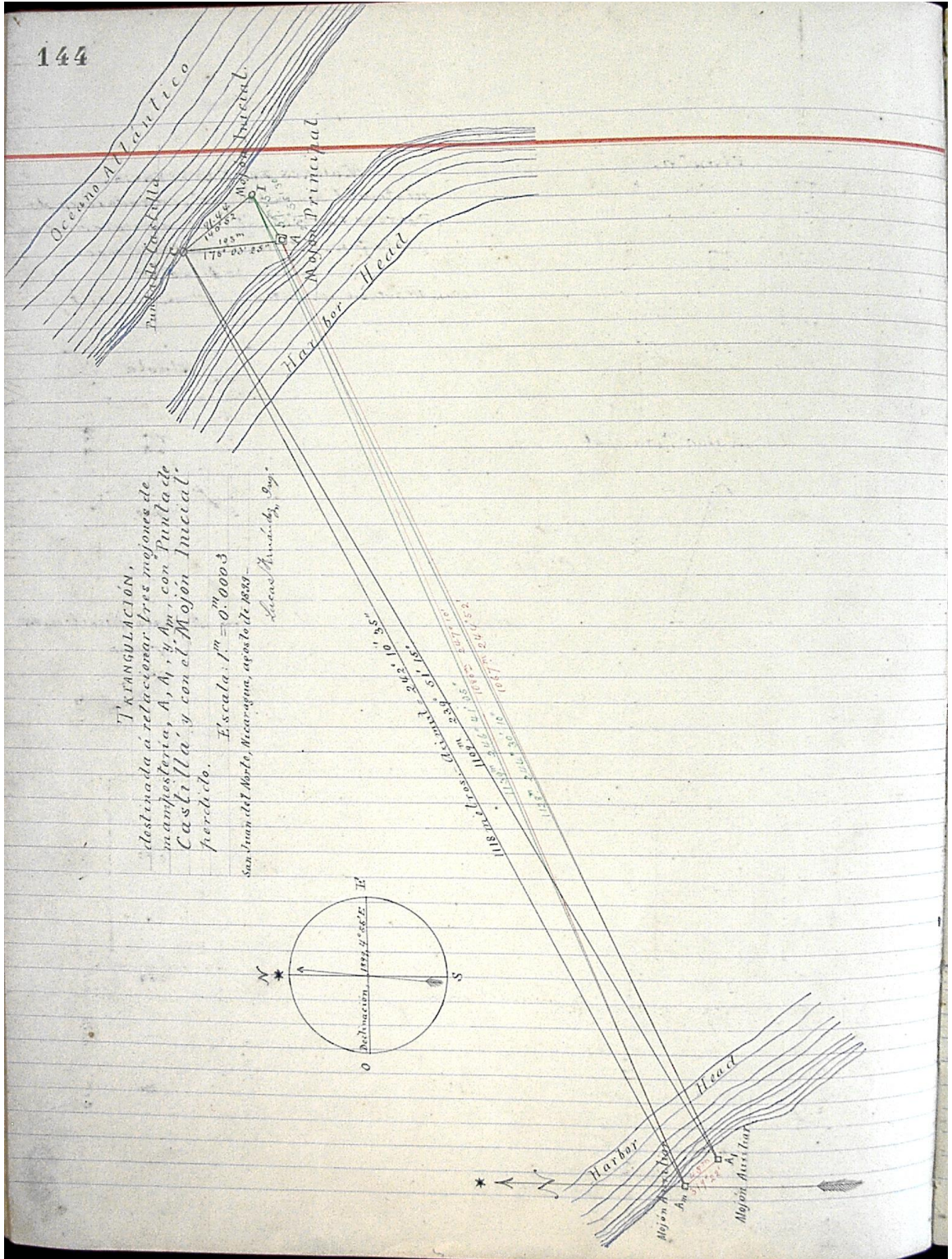
ANNEX 9

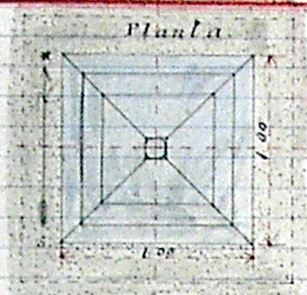
Proceedings of the Costa Rica-Nicaragua Demarcation Commission (1897-1900), Proceedings XX

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

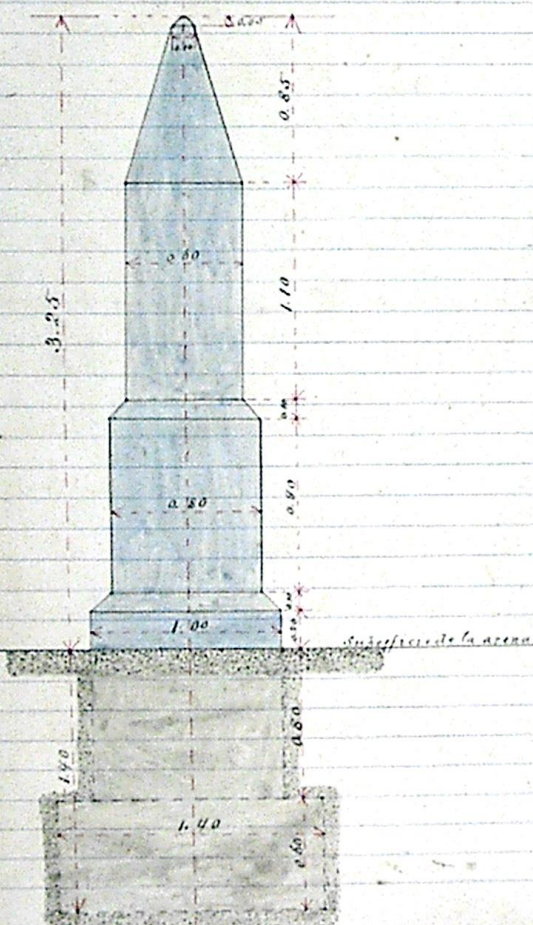
Proceedings XX

In the City of San Juan del Norte, on the nineteenth day of the month of August of the year eighteen hundred and ninety nine, at eight o'clock in the morning, the undersigned Commissioners met at the usual place, chaired by the gentleman, Engineer and Arbiter, General E. P. Alexander. – Whereas the initial marker, placed near Punta de Castilla, has completely disappeared due to the force of sea elements and having to preserve the position of said Punta de Castilla and the initial marker by means that facilitate the exact placement of those points at any given time, it is hereby agreed to build three masonry markers according to the map herein copied and in the points marked by the triangulation performed, according to the calculation and map surveyed for such purpose and included in these Minutes. The maps comprise all of the dimensions for the markers that will be built, as well as the lengths and azimuths of all of the triangulation lines. For purposes of abbreviation, Punta de Castilla will be called “C”; I, to the initial marker; A, to the main marker; and A_1 and A_m to the two auxiliary markers. Point A_m , where one of the auxiliary markers that will be built, has the same name that exists in the triangulation destined to relate to the center of Victoria Square of San Juan del Norte, with the initial marker, the point that was affixed by a small cairn of reference and is the one that served as basis for all of the operations. In view of this





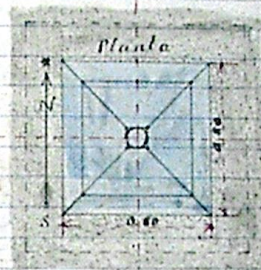
Modelo A
Un Mojón Principal



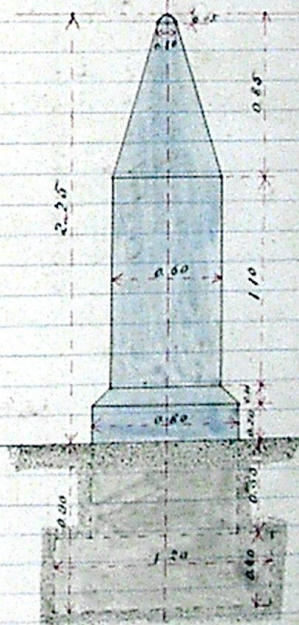
MOJONES DE REFERENCIA,
relativos al 'Mojón Inicial', colocado cerca de
'PUNTA DE CASTILLA', el cual ha desaparecido
por la fuerza de los elementos del mar.

Escala 1^m = 2^{ms}

San Juan del Norte, Dec., Agosto de 1893. Lucas Fernández Jang



Modelo B
Dos Mojones Auxiliares



... all of the points of this new triangulation are hereby related with the marker that exists in the previously referred center of Victoria Square. As basis for all of our operations, we have the following data, as seen in the triangulation map. From Proceedings VI: from the initial marker to Punta de Castilla, azimuth $140^{\circ} 52'$ ($90^{\circ} + 50^{\circ} 52'$) – distance: 300 feet, that is, $91^m.44$. From Proceedings X, A_m to the initial marker; azimuth $246^{\circ} 41' 05''$ – distance: 1139 meters. The azimuths are counted according to the Geodesic Convention, that is, in the direction southeast to northeast and from 0° up to 360° . In addition, the following observations were made in the field: the distance $A_m A_1$ was measured, which is equal to 45 meters and the azimuths for $A_m A_1$ equal $247^{\circ} 10'$; $A_m A_1$ equal $319^{\circ} 22'$. The angle $A_m A_1 A$ equals $105^{\circ} 30'$ and for purposes of verification, angle $A_m A A_1$ was measured equal to $2^{\circ} 18'$. The result of the calculations appears on the respective map and is also included in the table we copy further below. Engraved in the plaster on the northern face of the monuments, the following entries shall be made: Cairn A_m , from the center of this cairn to Punta de Castilla, azimuth $242^{\circ} 10' 35''$; distance 118 meters”. Cairn A_1 , from the center of this cairn to Punta de Castilla, azimuth $239^{\circ} 51' 15''$; distance 1109 meters” – Cairn A, from the center of this cairn to Punta de Castilla, azimuth $176^{\circ} 03' 25''$; distance 103 meters.-----

Triangulation Table

Triangles	Angles		Name	Length – meters	Azimuths	Observations
	Name	Value				
$A_m A A_1$	$A_m A A_1$	$2^{\circ} 18' 00''$	$A_m A$	1080.00	$247^{\circ} 10' 00''$	Red line
	$A_m A_1 A$	$105^{\circ} 30' 00''$	$A_m A_1$	45.00	$319^{\circ} 22' 00''$	“ “
	$A A_m A_1$	$72^{\circ} 12' 00''$	$A_1 A$	1067.00	$244^{\circ} 52' 00''$	“ “
$A_m I A$	$A_m I A$	$8^{\circ} 45' 30''$	$A_m I$	1139.00	$246^{\circ} 41' 05''$	Green “
	$A_m A I$	$170^{\circ} 45' 30''$	$A_m A$	1080.00	$247^{\circ} 10' 00''$	Red “
	$A A_m I$	$0^{\circ} 29' 00''$	$A I$	59.75	$237^{\circ} 55' 30''$	Green “
$A_m C I$	$A_m C I$	$101^{\circ} 18' 30''$	$A_m C$	1118.00	$242^{\circ} 10' 35''$	Black “
	$A_m I C$	$74^{\circ} 11' 00''$	$A_m I$	1139.00	$246^{\circ} 41' 05''$	Green “
	$I A_m C$	$4^{\circ} 30'$	$I C$	91.44	$140^{\circ} 52'$	Black “

		30"			00"	
AmCA ₁	A _m CA ₁	2° 17' 15"	A _m C	118.00	242° 10' 35"	“ “
	A _m A ₁ C	100° 31' 15"	A _m A ₁	45.00	319° 51' 15"	Red “
	A ₁ A _m C	77° 11' 30"	A ₁ C	1109.00	244° 30' 10"	Black “
A ₁ IA	A ₁ IA	6° 34' 40"	A ₁ I	1128.00	244° 30' 10"	Green “
	A ₁ AI	173° 03' 30"	A ₁ A	1067.00	244° 52' 00"	Red “
	AA ₁ I	0° 21' 50"	AI	59.75	237° 55' 3"	Green “
AIC	AIC	82° 56' 30"	AI	59.75	237° 55' 3"	Green “
	ACI	35° 11' 25"	AC	103.00	176° 03' 25"	Black “
	IAC	61° 52' 05"	IC	91.44	140° 52' 00"	Black “

In witness whereof, we sign and authorize these Proceedings with our respective seals –
 Note: On Page 146, line 13, the amount in parenthesis, 105°, does not stay.

E. P. Alexander

Lucas Hernandez

Engineer J. A. Urtecho

SEALS

ANNEX 10

Joint Declaration of the Presidents of the Republics of Costa Rica, Rafael Angel Calderon Fournier and Nicaragua, Mrs. Violeta Barrios de Chamorro, Managua, Republic of Nicaragua, 31 January 1991 (excerpts)

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

JOINT DECLARATION

The President of the Republic of Costa Rica, Rafael Angel Calderon Fournier, and the President of the Republic of Nicaragua, Mrs. Violeta Barrios de Chamorro, met in the City of Managua on January 30 and 31, 1991.

[...]

Underscoring their conviction that strengthening their bilateral ties constitutes a factor of singular importance in the process of developing their peoples and in advancing the process of pacification and democratization of Central America, task to which they dedicate their utmost priority efforts:

[...]

VII. – Upon analyzing and assessing the status of the bilateral relations between their countries, they agreed the creation of a Binational Commission between the two countries with the purpose of energizing and deepening the ties of cooperation among their respective Peoples and Governments.

[...]

3. Taking into account the excellent relations of friendship and cooperation existing between the Governments of Costa Rica and Nicaragua and the favorable environment that this creates, they agreed that during the term of their respective presidential mandates, they would work to seek agreements in matters relating to the maritime delimitation.

[...]

ANNEX 11

Cooperation Agreement Between the Governments of Costa Rica and Nicaragua, 31 January 1991 (excerpts)

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

**COOPERATION AGREEMENT BETWEEN THE GOVERNMENTS
OF
COSTA RICA AND NICARAGUA**

The Presidents of Costa Rica and Nicaragua,

[...]

Have agreed to the following:

Article One:

The Presidents agree to strengthen and expand the cooperation and consultation in the following spheres: political issues, security matters, boundary and migration matters, environmental and health matters, treasury and financial affairs, economic and commercial affairs, educational and cultural affairs, as well as tourism affairs. [...]

Article Nine:

This Agreement will be applicable during an initial term of five years and will be automatically prorogated for equal periods without prejudice of the right of the parties to deplore it through written notice, which will be effective six months later.

This Agreement will enter into force sixty days after its date of execution.

[...]

In witness whereof, this Agreement is executed in two original copies equally valid, in the City of Managua, Nicaragua, on January thirty one of the year nineteen hundred and ninety-one.

Illegible Signature
Violeta Barrios de Chamorro
Fournier
President of Nicaragua
Costa Rica

Illegible Signature
Rafael Angel Calderon
President of

ANNEX 12

Joint Statement of the Presidents of the Republics of Costa Rica, Engineer Jose Maria Figueres Olsen, and of Nicaragua, Mrs. Violeta Barrios de Chamorro, 29 May 1994 (excerpts)

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

**JOINT STATEMENT OF THE PRESIDENTS OF THE REPUBLICS
OF COSTA RICA, ENGINEER JOSE MARIA FIGUERES OLSEN,
AND OF NICARAGUA, MRS. VIOLETA BARRIOS DE CHAMORRO,
ON OCCASION OF THEIR MEETING AT THE BOUNDARY TOWNS
OF LA CRUZ AND SAN JUAN DEL SUR**

San Juan del Sur, Rivas, May 29, 1994

In the spirit of further strengthening the happily existing cordial relations of friendship between their peoples and governments, the Presidents of the Republic of Costa Rica, Engineer Jose Maria Figueres Olsen and of Nicaragua, Mrs Violeta Barrios de Chamorro, held a friendly meeting en the boundary locations of La Cruz, Costa Rica and San Juan del Sur, Nicaragua.

The Presidents held a sincere and fraternal dialogue, as corresponds to the friendly relations that unite the two nations, during which they examined the status of the bilateral relations, at the end of which they agreed to undersign the following:

JOINT STATEMENT

[...]

“In this sense, the Presidents instructed their Ministers of Foreign Affairs to immediately reactivate the Binational Commission Costa Rica – Nicaragua in order to address all matters of the bilateral agenda requiring the attention of both Governments, including the land and maritime trans-boundary incidents that may arise, as well as to strengthen communications and coordination actions between the institutions involved in combatting drug-trafficking, piracy, cattle rustling, smuggling, illegal traffic of persons and other criminal activities”.

[...]

The Presidents concurred on the importance for both countries of densified landmarks along the entire common boundary, from Landmark II up to Landmark XX; they renewed their decision to implement it jointly, sharing the

cost for this in equal parts; and instructed their respective Institutes to begin preparations works for the densification. Likewise, the Presidents deemed the utmost importance of the request submitted months earlier by the Governments of Costa Rica and Nicaragua to the Government of The Netherlands for the culmination of this project.

[...]

Both Presidents expressed their decision to proceed with the delimitation of the maritime boundary between both countries, both in the Caribbean Sea and the Pacific Ocean, for which they instructed their respective Ministries of Foreign Affairs and specialized institutions to begin the corresponding conversations within the course of the forthcoming thirty days. The Presidents called upon the International Community to provide technical advice and resources for this objective.

In order to avoid incidents along the maritime boundaries, they agreed to establish an inventory of the vessels from both countries that work and navigate in those areas, with the purpose of sharing such information and to establish an adequate mechanism for control and prevention of illegal activities.

[...]

To ensure due coordination and execution of the material works derived from these agreements, the Presidents concurred in placing it under the framework of the Binational Commission created in the Cooperation Agreement between the Governments of Costa Rica and Nicaragua, in January 1992.

President Figueres and his distinguished retinue thanked President Chamorro and through her, the People and Government of Nicaragua for the warm hospitality and courtesies they received during their visit on Nicaraguan soil.

Illegible Signature

Illegible Signature

JOSE MARIA FIGUERES OLSEN
BARRIOS DE CHAMORRO

VIOLETA

PRESIDENT OF THE REPUBLIC OF COSTA RICA
PRESIDENT OF THE REPUBLIC OF NICARAGUA

ANNEX 13

Minute of the Second Meeting of the Sub-Commission on Limits and Cartography, 25 March 2003

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

MINUTE OF THE SECOND MEETING OF THE SUB-COMMISSION OF
LIMITS AND CARTOGRAPHY
Managua, 25 March 2003

Held at the premises of the Ministry of Foreign Affairs of the Republic of Nicaragua, and in compliance with the agreement reached by the Vice-Ministers of Foreign Affairs of the Republics of Nicaragua and Costa Rica on 6 September 2002 to begin discussions conducive to defining the maritime delimitation between the two countries. The delegations met, comprised of the following individuals:

For the Republic of Nicaragua:

Dr. Julio Saborío Argüello

General Director of Sovereignty, Territory and International Legal Matters

Dr. Edmundo Castillo

Legal Advisor Ministry of Foreign Affairs

Lic. Ligia Margarita Guevara Antón

Ministry of Foreign Affairs

Lic. Cecilia Argüello

Latin America Department

Ministry of Foreign Affairs

Lic. Ricardo de León

Analyst of the Latin America Department

Ministry of Foreign Affairs

Pedro Miguel Vargas, Eng.

General Director of Geodesy and Cartography

Nicaraguan Institute of Territorial Studies

Gonzalo Medina, Eng.

Technical Advisor of Geodesy and Cartography

Nicaraguan Institute of Territorial Studies

Alonso Tórrez Rodríguez, Eng.

Chief of the Maritime Delimitation Project

Nicaraguan Institute of Territorial Studies

Lic. Carlos Arroyo Borgen
International Relations Advisor
Ministry of Defence

For the Republic of Costa Rica:

Dr. Sergio Ugalde Godínez
Coordinator of the Commission on International Law
Ministry of Foreign Affairs

Dr. Arnaldo Brenes Castro
Ambassador
Ministry of Foreign Affairs

Eduardo Bedoya, Geographer
Director of the National Geographic Institute

Master Adriana Murillo Ruin
Officer of the Department of Foreign Affairs
Ministry of Foreign Affairs

For this meeting, the Technical Sub-Commission of Limits and Cartography Nicaragua–Costa Rica, approved the following agenda:

- 1. Presentation of the technical reports of the cartographic institutions of both countries.**
- 2. Determination of aspects that require international cooperation.**
- 3. Inventory of living and non-living natural resources in the maritime delimitation areas.**
- 4. Establishing the timetable for the work of the Sub-Commission of Limits and Cartography Nicaragua –Costa Rica.**

In conformity with this established and agreed agenda, the Sub-commission reached the following agreements to pass on for the consideration of the Vice-Ministers:

- 1. Presentation of the technical reports of the cartographic institutions of both countries.**

Based on the agreements of the First Technical Working Table of the Sub-Commission of Limits and Cartography, adopted on 16 January 162003 in Liberia, Costa Rica, Geographer Eduardo Bedoya and Engineer Pedro Miguel Vargas, presented the corresponding technical reports. The delegations exchanged the documents prepared for that purpose.

Subsequently, following the Agenda, the Sub-Commission approved the Minutes signed in Liberia, Costa Rica on 16 January of this year, and agreed the following:

1.1 Creation of the Integrated Information System

The use of the program ArcGis Desktop is recommended, which is comprised of three applications: ArcMap, Arc Catalog, Arc Tool box, to ensure greater accuracy of the technical work to be performed. The Delegations consider it timely to acquire these [applications], and commit to obtaining the corresponding quotes in local markets and, if possible, request their donation.

1.2 Construction and installation of the markers in the area of Bahía Salinas in the Pacific:

The Sub-Commission considered it necessary to build markers in the point furthest to the West of Punta Zacate in Costa Rica and Punta Arranca Barba in Nicaragua, which will serve to determine the middle point of the closing of the bay, the starting point for the delimitation in the Pacific Ocean. It was decided that the construction of these markers shall be performed in the period from 21 to 26 April of this year, and that each country shall cover the construction costs of the marker located in its territory.

The Sub-Commission agreed that the design of the marker will be that presented in the Technical Report of the Nicaraguan Institute of Territorial Studies.

It is recommended for the final Minutes regarding the construction of the marker to be signed by the Presidents of both countries. In this regard, the Sub-Commission will propose that the Presidents perform a visit in situ on the week of 19 May of this year, or on the dates deemed suitable.

The Sub-Commission agreed that both Ministries of Foreign Affairs shall request the corresponding immigration and customs authorities for the permits for the technical teams that will carry out various works in relation to the construction of the markers.

1.3 Work for delimitation on the Caribbean Sea

The Sub-Commission considered it necessary to work on documents to calculate with modern procedures the coordinates of marker number one, based on the topographic survey created by Engineer Alexander in 1900.

It was established that INETER and the National Geographic Institute of Costa Rica shall begin the deskwork as of this date, which shall be concluded at the latest on 26 May of this year, the date on which the work for restitution of the position of marker one on the land shall begin.

The Sub-Commission authorizes INETER and the National Geographic Institute of Costa Rica to hold the meetings and consultations considered necessary for the success of the activity assigned.

1.4 Large-scale cartography of the area surrounding the starting points for the delimitation:

It was considered necessary for INETER and the National Geographic Institute of Costa Rica to prepare a large-scale cartography, on the basis of aerial photographs. In this regard, Costa Rica reported that in the following months they will have this material, and they will make it available to Nicaragua to prepare the aforementioned cartography.

The materials will be sent at the beginning of June at the latest. If they are inappropriate, it will be managed jointly with the United States of America in order to request satellite images from NASA.

2. Determination of aspects that require international cooperation

Both delegations took cognizance of the communication dated 13 November 2002 sent by Mr. Hans Correll, General Sub-Secretary of the Division for Ocean Affairs and the Law of the Sea of the United Nations.

3. Inventory of living and non-living natural resources in the maritime delimitation areas.

Both Delegations highlighted the importance of the topic and considered that a discussion in this regard should be held with the corresponding information. They believed it would be adequate to identify in each country the public and private institutions that may have illustrative material, and to keep the topic on the Agenda for the next meeting of the Sub-Commission.

4. Establishing the timetable for the work of the Sub-Commission of Limits and Cartography Nicaragua –Costa Rica

The Sub-Commission considered that it would be appropriate to determine in the first stage of its mandate that it shall conclude with the preparation, on the part of each country, of a delimitation proposal reflected in the projection of a specific proposal. In this regard, the following work schedule was agreed:

1. Construction of Markers in Punta Zacate and Arranca Barca: 21 to 26 April
2. Calculation of the coordinates and restitution of Marker Number 1: 26 March to 26 May.
3. Technical meeting (if required) on 16 May at Peñas Blanca
4. Visit of the Presidents to the Markers on the Pacific Ocean: week of 19 May.
5. Field work in the Caribbean Sea: 26 May to 7 June
6. Preparation of large-scale maps: June, July and August.
7. Third Meeting of the Sub-Commission: First week of July.
8. Preparation of delimitation projections: September, October and November.
9. Exchange of delimitation projections: December.

Having no further issues to address, the Delegations express their agreement by means of these Minutes

[signed]

[signed]

ANNEX 14

Minute of the Third Meeting of the Sub-Commission on Limits and Cartography, 4 September 2003

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

**MINUTE OF THE THIRD MEETING OF THE SUB-COMMISSION OF
LIMITS AND CARTOGRAPHY**

San José, Costa Rica, 4 September 2003

Held at the premises of the Ministry of Foreign Affairs of the Republic of Costa Rica, in San José, and in compliance with that agreed in the Second Meeting of the Sub-Commission of Limits and Cartography, held in Managua on 25 March 2003, the delegations of both countries met, which were comprised of the following individuals:

Republic of Nicaragua:

For the Ministry of Foreign Affairs

Dr. Julio Saborío Argüello General Director of Sovereignty, Territory and International Legal Matters

Dr. Alejandro Montiel Argüello
Legal Advisor

Lic. Idayda Aguilar Roa
Legal Analyst General Department of Sovereignty, Territory and International Legal Matters

Colonel Ricardo Wheelock Román
Representative of the Nicaraguan Army

Lic. Carlos Arroyo International Relations Advisor
Ministry of Defence

For the Nicaraguan Institute of Territorial Studies (INETER)

Gonzalo Medina Pérez, Eng.
Technical Director of the Geodesy and Cartography
Nicaraguan Institute of Territorial Studies

Ramón Alonso Torres Rodríguez, Eng.
Chief of the Unit of Territorial Limits
Geodesy and Cartography
Nicaraguan Institute of Territorial Studies

Republic of Costa Rica:

Dr. Carlos Alvarado
National Director of the Coastguards
Ad-hoc Advisor to the Ministry of Foreign Affairs

Eduardo Bedoya, Eng.
Director of the National Geographic Institute

For the Ministry of Foreign Affairs:

Ambassador Rodrigo X. Carreras
Ambassador of Costa Rica in Nicaragua

Msc. Sergio Ugalde Coordinator of the Commission on International Law
Advisor to the Minister

Msc. Arnoldo Brenes Commission on International Law
Advisor to the Minister

Msc. Jorge Aguilar
Head of the Treaty Advisory Office

Msc. Adriana Murillo
Commission on International Law

Msc. Marcela Calderón
Treaty Advisory Office

The meeting began with the delegation of Costa Rica welcoming the delegation of Nicaragua, and the presentation of their members. The proposed agenda was read, approved and followed:

I. Reports on the advances of the National Geographic Institute and the Nicaraguan Institute of Territorial Studies

The Nicaraguan Institute of Territorial Studies presented the report corresponding to the progress and results of the fieldwork in the Pacific and Caribbean.

In the case of the Pacific, they presented the results of the location of the points, as indicated by the Minutes of the Costa Rica-Nicaragua Demarcation Commission (Alexander Commission 1897-1900), both in Punta Arranca Barba (Nicaragua) and in the point furthest to the west of the land next to Punta Zacate (Costa Rica) and the markers erected, work that was performed by both countries simultaneously from 22 to 26 April. The location was also presented in a topographic map with the scale 1:50,000.

They also presented the progress achieved in the Caribbean. According to the report, in the XXth Minutes of the Alexander Commission of 1899, it is clear that Marker One had disappeared because of the sea, thus a triangulation of markers was ordered to locate the initial point. During the visit of 21 February 2013, both delegations found a marker at that triangulation, and it is not clear whether it is the Main Marker or Punta Castilla. More field measurements are required, and to determine which other markers can be built subsequently as a symbol and to be useful to users.

Since Alexander took the centre of Plaza Victoria in San Juan del Norte to reference the markers, it is considered important to locate this point, which is marked by a metallic cylinder, 40 centimeters in diameter by two metres long, filled with concrete and fully embedded into the ground.

The Delegation of Nicaragua provided a copy of the technical report, and the electronic presentation, for which the Costa Rican delegation expressed thanks. For its part, the National Geographic Institute of Costa Rica indicated that the report was in agreement, since the works in Bahía de Salinas had been performed jointly, and noted the good collaboration achieved.

2. Evaluation of the technical progress according to the Sub-Commission's timetable of activities, as per the minutes of the second meeting

The National Geographic Institute of Costa Rica indicated that point 1 regarding the construction of markers had been performed.

With respect to point 2, the calculation of the coordinates had also been performed. As could be seen, the accuracy of the coordinates of the measurement complies with the standards established for this type of work. Regarding the restitution of Marker One, the situation is explained in the previous point.

For logistical reasons, the technical meeting contemplated in point 3 was not held. Further, no visit to the markers in the Pacific Ocean had taken place, but the importance of carrying out such a visit was underscored.

3. Chapter regarding maritime cooperation and sustainable development:

A proposal was made and accepted to modify the order of the agenda, so as to hear the valuation of the topics first and the participating institutions subsequently.

a. Possible topics to include in the chapter:

Both countries noted the importance of these works, and the interest in concluding with an abroad Treaty of Limits that includes cooperation topics and may even serve as an example for other nations.

It was agreed to assess topics relating to:

1. Protection and preservation of marine resources and species, as well as the possibility of eventually declaring areas of binational protection or binational regulation. The competent authorities shall be consulted regarding the possible areas and levels of the management regime.
2. Cooperation in maritime surveillance and security regarding the resources and new security threats.
3. Rights of other States, such as innocent passage and other.
4. Fishing regulations and possibility of establishing convergence zones.
5. Regulation of non-living resources such as petroleum .
6. Marine scientific investigation.
7. Tourism and sports.
8. Humanitarian actions.
9. Conflict resolution system.
10. All other topics the inclusion of which is subsequently deemed necessary.

It is agreed that each of the competent institutions shall determine the specific contents of each topic.

Regarding point 5, it was not possible to advance in the fieldwork in the Caribbean Sea; however, each institution has studied the way to execute the work. It was estimated that it would be very difficult to enter the area until November or December due to weather issues.

Regarding the preparation of maps contemplated in point 6, it depended on the delivery of the images by NASA, from plane WB57 (Mission Map 2003). The Costa Rican delegation reported that the aerial photographs had been delivered up until yesterday, and today presented an example of the product corresponding to Punta Castilla.

The Delegation of Costa Rica gave the Delegation of Nicaragua a first version of the material, and agreed that the full material would be delivered next week. The Nicaraguan delegation thanked them in advance for the delivery of the material.

Regarding point 7, during the meeting of the Sub-Commission, it was indicated that it was being complied with, although with delay, and that points 8 and 9 would be programmed again according to progress made.

According to the agreed agenda, the Sub-Commission reached the following agreements regarding the timetable for the pending activities:

1. Program the works in the Caribbean Sea from 24 to 28 November, without detriment to being able to achieve progress in other work on documents. The Nicaraguan Army offers a helicopter, two speedboats and metal detectors. In addition, the National Coast Guard of Costa Rica offers its collaboration in anything necessary.
 2. Review the presidential agenda and that of the Ministry of Foreign Affairs to explore the possibility of inaugurating the markers in the Pacific between 9 and 12 December of the current year.
 3. Progress will be made regarding point 6 of the previous minutes on the preparation of large-scale maps, beginning with the preparation of orthophotos during the following weeks. It is agreed to hold a prior meeting of the geographical institutes, on 16 January 2004 in Peñas Blancas, to review the progress on this matter.
 4. During the meeting of 16 January in Peñas Blancas, it is agreed to also analyze the review of the calculations of the position of Marker I.
 5. The full Sub-Commission shall meet in Nicaragua on Thursday 29 and Friday 30 January 2004
 6. Each country shall make progress in the preparation of the projections, and shall exchange delimitation proposals at the meeting of 29 and 30 January, which shall be established as a point in the Agenda for said meeting.
- b. Definition of the institutions that shall participate in the discussion of the chapter.

The institutions which may participate in the discussion are: MINAE and Marena, Ministry of Public Security and Ministry of Defence, INCOPECA and ADPECA, Costa Rican Institute of Tourism, Nicaraguan Institute of Tourism, RECOPE and Nicaraguan Energy Institute, Hydrocarbons Department, Universities and Centre for Research and technical education.

Notwithstanding the foregoing, it is agreed that each of the countries shall define the Institutions that will participate.

Finally, the Sub-Commission agreed that as of 1 December 2003 at the latest specific proposals on each of the topics shall be exchanged, prepared by the

competent institutions, so they can be studied during the following meeting in January 2004.

Having no further issues to address, the work of the third meeting of the Sub-Commission is considered concluded, and the meeting is adjourned.

San José, Costa Rica, 4 September 2003.

(signed)

(signed)

ANNEX 15

Minute of the Fourth Technical Meeting of the Sub- Commission on Limits and Cartography, 24-27 November 2003

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

MINUTE OF THE FOURTH TECHNICAL MEETING

San Juan del Norte de Nicaragua, November 24 to 27, 2003

In compliance with the agreements of the Third Meeting of the Subcommittee on Limits and Cartography, held in San Jose, Costa Rica, on September 4, 2003, the Technical Groups of Nicaragua and Costa Rica proceeded with the field Works to determine the modern coordinates for Marker 1, which disappeared in 1899 due to the force of the sea and which in the future, will be the initial point for maritime delimitation in the Caribbean Sea.

Following are the names and surnames of the technical teams from both countries.

For Nicaragua:

Idayda Aguilar (Ministry of Foreign Affairs)

Alonso Torrez (Nicaraguan Institute for Territorial Studies)

Armando Piche (Nicaraguan Institute for Territorial Studies)

Leonel Reyna (Nicaraguan Institute for Territorial Studies)

For Costa Rica:

Victor Guerrero Cruz (National Geographical Institute)

Victor Chacon Mena

Jesus Herrera Alvarez

Gonzalo Melendez Umaña

Juan Rafael Araya Lizano

MONDAY, NOVEMBER 24, 2003

The Nicaraguan Delegation – technical team – left the Air Force facilities at 7:30 am, in a helicopter with support from the Nicaraguan Air Force, as agreed in the Minutes of the Third Meeting of the Subcommittee on Limits and Cartography and having reached San Juan de Nicaragua at 9:40 am.

At 11:00 am, the Nicaraguan delegation, accompanied by a guide – Mr. Hedly Thomas, who is familiar with the place and guarded by personnel from the Army and Air Force, went toward San Juan del Norte (Greytown), to locate one of the key points of the triangulation that Engineer and Arbiter Alexander, carried out in 1897; this point was called by the Arbiter “The Center of Victoria Square”, and was marked at such time with a 40 cm diameter iron rod filled with concrete and buried 2 meters deep, leaving one

of the ends of said rod at surface level. Once in the area, the guide assured that the rod is covered by very thick undergrowth; therefore, 4 local persons were hired to cleanse the areas with machetes, leaving work with the mine detection equipment for the next day.

The Costa Rican delegation was not present in the search for “The Center of Victoria Square” due to logistical matters.

TUESDAY, NOVEMBER 25, 2003

Starting at San Juan de Nicaragua toward “Punta de Castilla” at 7:00 am, the First Marker was located and measurement with the GPS was performed at 10:00 am, during 2:50 hours and an excavation was also performed around the landmark, where one of the sides was marked with a letter “A” accompanied by another illegible symbol, confirming that the dimensions are the same as the illegible symbol as the design of the Type A boundary landmarks for the demarcation of limits between Nicaragua and Costa Rica of 1897, pursuant to the Minutes of Arbiter E. P. Alexander. This Marker is the same one located during the first technical visit to Punta Castilla, which took place on February 21, 2003.

At 11:30 pm, the Costa Rican delegation incorporated itself, and proceeded to begin searching for the other landmarks located on the right bank of Portillo Lagoon. Another Marker of the same model Type A was found at 12:30 pm, which has engraved on one of its sides the letter “A2”. This Marker is under thick vegetation, reason for which it was impossible to locate it directly with the GPS; for this reason, a triangulation with two auxiliary points and said Marker was performed. Once the measurements of the triangulation were carried out, the Marker was radioed with the Total Station from the two points where it was measured with the GPS.

Likewise, it was radioed with the Total Station from the first Marker found toward the Marker of the right bank of Los Portillos Lagoon and afterwards, from the first Marker toward the two stations of the auxiliary GPS, located to form the triangulation. It was not possible to visit the Victoria Square area again because the day was practically over.

WEDNESDAY, NOVEMBER 26, 2003

Two groups integrated by members of both delegations were formed, which parted at 7:00 am: the first group parted toward Los Portillos Lagoon and

the other to Victoria Square.

Group One (Los Portillos Lagoon)

The guide – Julio Vargas – led to the location of a third Marker, Model Type A, which is inclined and submerged in Los Portillos Lagoon by approximately 98 mt, to the south of the first Marker found on the coast on Tuesday, November 24; they proceeded to measure its angle and distance as of the Marker that was first found and one of the auxiliary GPS positions. Afterwards, the guide tried to locate two Markers of the same Model Type A that he had seen in previous years but was not able to find it.

Group Two (Center of Victoria Square)

The entire delegation (NIC/CR) began searching at 8:30 am with the assistance of three sappers under Captain Denis Martin Pastrano Obando of the Corp of Engineers and three members of the Navy, throughout the entire perimeter that was cleansed on Monday, November 24, without any success whatsoever. In view of the above, a cleaning crew was hired once again and to expand the location area, according to Mr. Hedly Thomas.

Afterwards, a new search began at 2:30 pm, with the support of two metal detectors, without achieving the objective.

Suggestions:

1. As to the Marker in the center of Victoria Square in the old population of San Juan del Norte, we recommend a new visit in two sections; one of them should involve at least seven (7) sappers with three teams for due location of the Marker together with the procurement of a cleaning crew whose cleaning area should involve five square meters; the purpose of this is to ensure sweeping an area where it is possible to find the center of Victoria Square and afterwards have technical experts arrive to perform a measuring campaign with GPS equipment over the point during 2.5 hour, at least.
2. We recommend that the respective mathematical-geodesic analysis be performed on everything that was found in Los Portillos Lagoon in order to establish some relation with the original data.

THURSDAY, NOVEMBER 27, 2003

The Fourth Technical Meeting began at 12:30 pm at the Hotel Indio Maiz, with the delegations:

For Nicaragua:

Julio Saborío, Ministry of Foreign Affairs
Idayda Aguilar, Ministry of Foreign Affairs
Colonel Ricardo Wheelock Roman, Representative of the Army of
Nicaragua
Carlos Arroyo, Ministry of Defense
Gonzalo Medina, Nicaraguan Institute for Territorial Studies
Alonso Torrez, Nicaraguan Institute for Territorial Studies

For Costa Rica:

Sergio Ugalde, Coordinator of the International Law Commission, Ministry
of Foreign Affairs
Arnold Brenes Castro, Ministry of Foreign Affairs
Adriana Murillo Ruin, International Law Commission
Eduardo Bedoya, Director of the National Geographical Institute
Victor Chacón Mena
Jesus Herrera Alvarez
Gonzalo Melendez Umaña

The meeting began with a welcoming to the Costa Rican Delegation by
Attorney Julio Saborio.

The representative of the Nicaraguan Institute for Territorial Studies, Mr.
Torrez, informed about all of the field work performed from Monday the
24th to Wednesday the 26th of November and concluded by reading the
minutes.

Finally, both delegations agreed to the following:

1. The Army of Nicaragua will coordinate with the Nicaraguan
Ministry of Foreign Affairs, the procurement of a cleaning crew (10
men) to clean the Los Portillos Lagoon area and the Center of
Victoria Square so that location work can be carried out by a
member of INETER together with seven (7) sappers during the **week
of December 8 to 12.**
2. The Nicaraguan and Costa Rican technical experts of the delegations
will travel during January 19 and 20 to measure the points found
with the GPS so that they hold the Fifth Technical Meeting at the
Hotel Indio Maiz on January 21 together with the rest of the

delegations from both countries.

3. Upon request of the Costa Rican Delegation, it was agreed that the Fourth Meeting of the Subcommittee on Limits and Cartography, scheduled for the month of January 2004, will be carried out during the month of February; it was agreed that the dates of the meeting would be scheduled according to the results of the field work scheduled for January 19 to 21.
4. Colonel Wheelock will coordinate all of the logistics with the Nicaraguan Ministry of Foreign Affairs.

ANNEX 16

Minute of the Second Meeting of the Sub-Commission on Limits and Cartography, 29-30 September 2004

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

**Aide Memoire Technical Meeting on Topographic and Cartographic Matters
-Costa Rica –Nicaragua**

Liberia, Costa Rica, 29 -30 September 2004

At Hotel Las Espuelas, city of Liberia, Costa Rica, in compliance with the agreements of the Sub-Commission on Limits and Cartography, the following technical meeting took place between the delegations of both countries:

Republic of Nicaragua:

Lic. Idayda Aguilar Roa,
Legal Advisor, General Directorate of Sovereignty, Territory and International
Legal Matters of the Ministry of Foreign Affairs

Ing. Gonzalo Medina Pérez, Technical Director of Geodesy and Cartography of
the Nicaraguan Institute of Territorial Studies (INETER)

Ing. Ramón Alonso Torres Rodríguez, Head of the Unit of Territorial Limits,
Geodesy and Cartography of the Nicaraguan Institute of Territorial Studies

Republic of Costa Rica:

Lic. Adolfo Constenla Arguedas,
Advisory Office of Treaties of the Ministry of Foreign Affairs

Geog. Eduardo Bedoya Benítez,
Director of the National Geographic Institute

The meeting began with the welcoming of the delegation of Nicaragua by the delegation of Costa Rica, and the presentation of its members. Both delegations expressed their willingness to continue contributing toward the proposed goals. At this time it referred to the technical aspects developed by the official entities on topographic and cartographic matters.

The proposed agenda was read, submitted for consideration and approved, as follows:

1. Basis for the efforts of maritime delimitation in the Pacific Ocean -Costa Rica.

2. Geodetic position of the initial marker at the land boundary between both countries.

3. Review of the technical part to be included in the Minutes of Densification of the Land Boundary created jointly by the cartographic institutions of both countries from 1996 to 2004.

BILATERAL TOPICS

4. Perform cartographic work jointly in the land border area within the framework of spatial data infrastructure (IDE) and the automatic editing of topographic maps.

5. Establish the general aspects of the joint work to be performed in relation to geodetic densification and other related work concerning the land border for 2005.

VARIOUS TOPICS

6. Suggest a date and time for the IV Meeting of the Sub-Commission of Limits and Cartography to be held in Managua.

7. Disconformity of the inhabitants of the border area regarding the location of the markers, result of the densification work performed jointly by INETER and IGN.

The topics addressed in this meeting, according to the agenda, are detailed below:

Point 1: Regarding this point on the agenda, the Delegation of Costa Rica requested that this topic be addressed during the meeting of the Sub-Commission scheduled to be held in Managua. The delegation of Nicaragua accepted the proposal; however, it expressed its wish to share the technical and methodological aspect that the Instituto Nicaragüense de Estudios Territoriales (INETER) has performed for the preparation of attempts for the maritime delimitation in the Pacific Ocean. The Costa Rican delegation expressed its willingness to hear what the INETER specialists wished to express.

Point 2: The Nicaraguan representatives gave a full presentation of the methodological procedure to determine the geodetic position of the initial marker on the land border. The first part of the presentation analyzed the geodetic aspect established in the Minutes of E.P. Alexander, which are used to deduce, with the help of modern measurements, a method to establish the position of initial Marker 1. Subsequently, the methodological procedure for the aforementioned calculation was described, using the method of least squares adjustment and transformation of

the WGS84 coordinates system, for which INETER reported that it has 75% progress in the preparation of the (software), that will serve to finally calculate the geodetic position of the initial marker, due to the inability of locating it on land, given that according to modern measurements the point is located in the sea.

In this regard, IGN expressed that due to INETER's progress on this topic IGN should not duplicate this work, and considered it would be adequate for INETER to provide the technical document through the official means once it had been concluded, for evaluation and acceptance, with the purpose of presenting it jointly during the IV Meeting of the Sub-Commission on Limits and Cartography in Managua.

Point 3: Both delegations agreed on the need to review separately the contents of the technical part to be included in the Minutes of the Densification of the Land Border created jointly by the cartographic institutions of both countries from 1996 to 2004.

The following aspects were considered:

>INETER delivered a CD with information for IGN to make pertinent observations.

>It was agreed that on October 15 IGN will return the proposal with observations to unify it and present it officially to the members of the Sub-Commission on Limits, so that the Ministries of Foreign Affairs could consider the protocol modifications and determine the signing mechanism. >We recommend that the model of the Minutes be adjusted to the Minutes signed in 1994, corresponding to the densification works of the same year.

BILATERAL TOPICS

Point 4: Regarding performing cartographic work jointly of the land border area within the framework of the infrastructure of spatial data (IDE) and the automatic editing of a topographic map, the Nicaraguan delegation expressed that in the border area of Peñas Blancas INETER was carrying out the works to prepare a new topographic map with a scale of 1:50 000 which would include part of the border area of Costa Rica. Thus, it requested IGN to provide all data necessary to be included in the new map. The Costa Rican delegation expressed that, similarly, IGN is preparing the topographic sheet 1:50000, Upala, and requests the same of

Nicaragua. Furthermore, they expressed that, as previously done, the required information shall be shared.

Furthermore, INETER proposed to IGN the preparation of the cartography at a large scale of the land border. The planning of this work shall be addressed in a future meeting between both institutions. The Costa Rican delegation expressed that it agreed, and that in addition Costa Rica will define the budget aspects to fully comply with that proposed.

Point 5: Establish the general aspects of the joint work to be performed in relation to the geodetic densification and other related work of the land border for 2005, as follows:

>Establish 10 auxiliary markers between the Boundary Markers where there is a need for the inhabitants to identify them.

>Adjustment of the geodetic network of all auxiliary markers established from 1994 to date, and for the preparation of the technical report.

>Planning to prepare the large-scale cartography of the land border.

Regarding this point, it was agreed to hold a meeting in Peñas Blancas on Friday 28 January 2005, to address the aforementioned topics.

VARIOUS TOPICS

- According to the work process at the technical level, both delegations considered that the next meeting of the members of the Sub-Commission of Limits and Cartography to be held in Managua could be held during the last two weeks of January 2005, submitting this for consideration of the Sub-Commission, who will determine the specific dates.
- Regarding this last point, the delegations expressed their concern regarding the publications in the media about the disconformity expressed by the inhabitants of the border area with the location of the markers, result of the densification work performed jointly by IGN and INETER.

In this regard, the delegations jointly submit for consideration of the members of the Sub-Commission of Limits and Cartography the possibility of creating a commission or work table, including the institutions that work directly with the border municipalities or other institutions, to hold a series of conferences or

workshops where the Mayors are informed of the work performed jointly, with the purpose of informing and carrying out an awareness campaign of the transparency and compliance of the works from 104 years ago by Arbitrator E. P. Alexander.

In addition, they jointly propose explaining at the next meeting in Managua the concern over the legal situation of farm owners in the border area.

Having covered all topics on the agenda, the technical meeting is concluded.

Liberia, Costa Rica 30 September 2004

ANNEX 17

Final Minute of the Fifth Binational Commission Nicaragua-Costa Rica, 19-20 October 2006 (excerpts)

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

FINAL MINUTES OF THE FIFTH BINATIONAL COMMISSION

NICARAGUA – COSTA RICA

SAN JOSE, OCTOBER 19 AND 20, 2006

The Governments of the Republic of Nicaragua and of the Republic of Costa Rica held the Fifth Meeting of the Binational Commission on October 19 to 20, 2006 in the City of San José, Costa Rica, with the purpose of continuing to strengthen the ties of cordial friendship that unite them and to strengthen the political understanding that characterizes the bilateral relations between both countries.

The Delegations reaffirmed the importance of resuming this Binational Commission as it is the mechanism that by excellence allows for the analysis of several aspects that encompass the bilateral relations between Nicaragua and Costa Rica as a whole, as well as to exchange points of view about high priority affairs for both nations within the regional and global scope.

[...]

The Fifth Meeting of the Binational Commission was held in the facilities of the Ministry of Foreign Affairs and Cult and was chaired by the gentlemen Bruno Stagno Ugarte, Minister of Foreign Affairs and Cult of the Republic of Costa Rica and Norman Caldera Cardenal, Minister of Foreign Affairs of the Republic of Nicaragua, and their respective delegations.

[...]

3. SUBCOMMITTEE FOR BOUNDARY AFFAIRS

The Delegations agreed on the need to organize, within the first semester of 2007, a work program to restore and replace the basic boundary milestones, as well as the reference milestones of the boundary installed pursuant to the 1858 Boundary Treaty Jerez-Cañas and the Alexander Awards.

Likewise, the Delegations convened the support to the National Geographical Institute (IGN for its Spanish acronym) and the Nicaraguan Institute for Territorial Studies (INETER for its Spanish acronym) to establish agreements for the exchange of geospatial

data and issues of the geographical environment, roughly delimited by the municipalities neighboring the boundary, or part of these, as convenient, based on the standards and specifications of the infrastructure of the spatial data sponsored by the the Pan-American Institute of Geography and History (PAIGH), the Permanent Committee of Data Infrastructure of the Americans and the Global Spatial Data Infrastructure (GSDI), of which both countries are members.

Both Delegations agreed that the IGN and INETER should continue the geodesic works for determination of the exact position of Milestone I, for which they will implement the necessary coordination during the first quarter of 2007.

Upon conclusion, the Nicaraguan Delegation thanked the Government of the Republic of Costa Rica for the attentions received during the stay in their country, with which we concluded in a satisfactory manner.

Undersigned in San Jose on October twenty of the year 2006

Illegible Signature

Norma Caldera Cardenal

Minister of Foreign Affairs
and Cult

Republic of Nicaragua

Illegible Signature

Bruno Stagno Ugarte

Minister of Foreign Affairs

Republic of Costa Rica

ANNEX 18

Costa Rican Decree 18581-RE, 14 October 1988

Source: Division for Oceans Affairs and the Law of the Sea, United Nations; Congress of Costa Rica

http://www.un.org/Depts/los/LEGISLATIONANDTREATIES/PDFFILES/CRI_1988_Decree18581.pdf

http://www.asamblea.go.cr/Centro_de_informacion/Comisiones_Legislativas/Expedientes/BAULAS%20Y%20MINAET/Estudio%20T%C3%A9cnico%20Jur%C3%ADdico%20MINAET/Decreto%20Ejecutivo%20N%2018581.pdf

Decree 18581-RE (concerning straight baselines in the Pacific Ocean, 14 October 1988)

The First Vice President and Acting President of the Republic and the Minister of Foreign Relations and Worship

Whereas

1. Article 6 of our Constitution establishes the complete and exclusive sovereignty of the Costa Rican State over its territorial waters to a distance of 12 miles from the low-water line along its coasts, in accordance with the principles of International law.
2. The principles and standards of international law in force recognize the right of the coastal States to establish the breadth of their territorial sea from the normal low-water line or from straight baselines that join the most salient points of the coast.
3. Our coasts on the Pacific Ocean present a special configuration because of the presence of Islands and deep inlets that have historically constituted areas of great economic significance to the country.
4. This special configuration of our coasts on the Pacific Ocean makes it possible, with the application of the new principles of the Law of the Sea, to draw straight baselines that, joining the most salient points of the coast, create a region whose reality and economic significance are clearly demonstrated by its prolonged use. This region coincides in general with the superjacent waters of the continental shelf of our Pacific coast, i.e., with the 200-meter isobath.
5. The Ministry of Foreign Relations and Worship has already sent to the Legislative Assembly for processing and subsequent approval the United Nations Convention on the Law of the Sea, signed at Montego Bay, Jamaica, on December 19, 1982, by a vast majority of the countries that represent all the legal and political systems in the world.
6. The regulations of the Convention that refer to the zones of national jurisdiction, including the system of drawing straight baselines, reflect contemporary International practice and have been considered to derive from prevailing International customary law.
7. In accordance with international law, the coastal State may determine the baselines from which the breadth of its territorial sea is measured, combining normal baselines with straight baselines depending on the circumstances.

Decreets

Article I - The width of the territorial sea of the Republic will be measured, in the Pacific Ocean, from the following baselines:

- A. In accordance with the normal baseline method: from San Francisco Point, also known as Medero (10° 17' 36" N., 85° 51' 19" W), to Punta Guiones (9° 54' 18" N., 85° 40' 15" W), and from Punta Llorona (8° 35' 03" N, 83° 43' 25" W.) to Punta Salsipuedes (8° 26' 32" N., 83° 34' 13" W.).
- B. In accordance with the straight baselines method: from a point that coincides with the southern extreme of the line that encloses the mouth of Salinas Bay, the line, as determined by the Cleveland Award, to Punta Descartes (11° 01' 25" N., 85° 45' 25" W) to Punta Blanca (10° 57' 02" N., 85° 53' 16" W); from Punta Blanca to Punta Santa Elena

Page 2

(10° 53' 29" N., 85° 57' 11" W); from Santa Elena to the westernmost key of the Murcielago Islands Group (10° 51' 16" N., 85° 58' 50" W.); from the westernmost key of the Murcielago Islands to Cabo Velas or Morro Hermoso (10° 21' 25" N., 85° 52' 39" W.); from Cabo Velas or Morro Hermoso to Punta San Francisco (10° 17' 36" N., 85° 51' 19" W.); from Punta Guiones (9° 54' 18" N., 85° 40' 15" W) to the southwest tip of Cabo Blanco Island (9° 32' 20" N., 85° 06' 54" W.); from the southwest tip of Cabo Blanco Island to the southwest tip of Isla Del Cano (8° 42' 24" N., 83° 53' 30" W.); from the southwest tip of Isla Del Cano to Punta Llorona on the Osa Peninsula (8° 35' 03" N., 83° 43' 25" W.); from Punta Salsipuedes (8° 26' 32" N., 83° 34' 13" W.) to the extreme southern end of the international border line with Panama at Punta Burica.

Article 2 - The National Geographic Institute will draw these lines to adequate scale or scales to make the locations clear on maps, in accordance with the geographic coordinates corresponding to the geodesic datum known as "Ocoatepeque". The State will make such maps public.

Article 3 - Waters situated inside these straight baselines form part of the internal waters of the Republic. However, taking into account that in these waters are located several Important ports on the Pacific coast, the right of innocent passage to ships of all nations is permitted, in accordance with the principles and norms of international law.

Article 4 - The locations of normal and straight baselines described above are indicated on a map at 1: 500,000 scale prepared by the Geographic Institute of Costa Rica. This map, duly authenticated by the Ministry of Foreign Relations and Worship, forms an Integral part of this decree.

Article 5 - This Decree is valid from the 15th of November 1988, inclusive.

Given in the Presidency of the Republic, San Jose, on the 14th of October 1988

Jorge Manuel Dengo

The Minister of Foreign Relations and Worship, A.I.

Carlos Rivera Bianchini

ANNEX 19

Statement given by Mr. Gonzalo J. Facio, Costa Rican signatory of the 1977 Treaty and former Foreign Minister, at the Costa Rican Foreign Ministry, 27 August 1998

Source: *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Counter Memorial of the Republic of Colombia, Vol. II-A, Annex 217.

Conference of Ambassador Gonzalo J. Facio (former Foreign Minister), addressed to the Diplomatic Corps in Costa Rica.

Casa Amarilla, seat of the Costa Rican Foreign Ministry, at 09:00 hrs., on 27 August 1998.

“The ‘Fernández-Facio’ Treaty of 1977 on Delimitation of Maritime Areas between Colombia and Costa Rica in the Atlantic Ocean, and Nicaragua’s purported sovereignty over the Archipelago of San Andrés and Providencia”

Mr. Foreign Minister

(...)

I do not believe that the Government of President Aleman will dare to repeat now the main argument that the Sandinistas used to declare, unilaterally, the nullity of a duly concluded bilateral treaty, such as the Bárcenas-Esguerra Treaty, on the basis that the United States forced “the puppet government at the time” to cede to Colombia the purported rights of sovereignty over the Archipelago of San Andrés that Nicaragua has never had.

In any case, the nullity of a treaty cannot be declared unilaterally, just as there is no way to unilaterally annul any kind of contract, public or private, duly concluded by the parties. To achieve the nullification of the Bárcenas-Esguerra Nicaragua would have to resort to the International Court of Justice, or to an arbitral or world tribunal to request it to declare that nullity provided of course, that the Colombian counterpart is heard. Due to the reasons I have explained, I do not believe that Nicaragua would have had or has the slightest possibility of succeeding in its attempt to properly nullify the Bárcenas-Esguerra Treaty.

In view of the above, there is no reason whatsoever why the Legislative Assembly should not approve the ‘Fernández-Facio’ Treaty that duly delimited the maritime

boundaries in the Atlantic Ocean between the Republics of Colombia and Costa Rica, on the premise that the San Andrés Archipelago belonged to Colombia.

Nor should our Legislative Assembly refrain from granting its approval of the “Fernández-Facio” Treaty of 1977, because the Government of Nicaragua, that violates our rights to free navigation on the San Juan River, holds that such an approval would constitute a violation of its invented and non-existent sovereignty over the Archipelago of San Andrés.

On the other hand, to declare, unilaterally, the nullity of a Treaty, arguing that it is the result of the United State’s imposition (that was and is a third party with respect to that Treaty), or else, to argue that such a Treaty is contrary to the Nicaraguan Constitution in force at the time of its signature and ratification, has no effect whatsoever, either for the international community or -much less- for Colombia.

That republic has no reason to abide by the statement of the Nicaraguan Government, declaring the nullity of a valid treaty and, with or without it, Colombia will continue to exercise the sovereignty it has always exercised over the San Andrés Archipelago, for over a century prior to the recognition of that legal fact by the Government of Nicaragua by the “Bárcenas-Esguerra” Treaty.

Consequently, the Government of Nicaragua cannot reproach us with anything since, on signing the Fernández-Facio Treaty of 1977, we acted in accordance with the existing legal situation that has the San Andrés Archipelago as an integral part of the Colombian territory.

ANNEX 20

INETER, Corn Island: A Nicaraguan Island in the Caribbean Sea, 6 November 2015.

Source: Nicaraguan Institute for Territorial Studies



CORN ISLAND; A NICARAGUAN ISLAND IN THE CARIBBEAN SEA

In response to instructions from the Superior Management of the Nicaraguan Institute for Territorial Studies, **INETER**, and in response to the request from the Ministry of Foreign Affairs, **MINREX**, the Department of Geodesy and Cartography prepared this technical document containing general information about Corn Island and to this end, diverse sources of information were consulted, the results of which are shown below:

Corn Island is a Nicaraguan island located in the Caribbean Sea with geodesic position at Latitude North 12°10'10" and Longitude West 83°03'12"; it is located at approximately 71 km to the northeast of the capital city of Bluefields and is slanted towards the southeast – northeast with 4.98 km long and 3.28 km wide with an approximate area of 9.60 km² and together with Little Corn Island, conforms Corn Island Municipality, which pertains to the South Caribbean Autonomous Region. According to projections by the National Institute of Development Information, **INIDE**, the population of this municipality was 7,410 inhabitants for the year 2014.

There are two elevations with steep slopes at the extremes of the Island, one southeast called Queen Hill with a maximum height of 55 masl and the other in the northeast corner called Mount Pleasant Hill with a maximum height of 96.35 masl.

The Island's hydrography lacks rivers but the high levels of rainfall in the area produce streams that drain in the sea and also create wetlands areas in lowlands. There are a total of 27 wetland areas encompassing 1.65 km² (17.18% of the Island's total territory).

The 1969 cartography (Annex 1), prepared by the Department of Cartography of Nicaragua (DGC) in collaboration with the Inter-American Geodesy Service (IAGS), there are different civil works that shelter a population organized in several population centers; there is also an airport, all-weather roads, internal roads that connect the populations among themselves, topographical features of the terrain and geodesic information of such time and still effective to date, as represented by the Great Corn Island Geodesic Station (Geodesic Office – IAGS), 1955, located on Mount Pleasant Hill and current station 3552-I-1, located at the airport.

INETER recently installed a satellite transmission (telemetric) tide gauge station on the Island in order to monitor and record variations in sea level, seawater temperatures, rainfall and the speed and direction of the winds. These recordings are transmitted every hour via satellite to INETER's land station. Annex 3 shows the report from the Water Resources Authority, containing a sample of the records in question and general data about the indicated station.

Currently, the Island is under extensive development, mainly for the tourism sector. The image in Annex 4, which corresponds to the year 2015, shows the growth of the inhabited areas and the infrastructure. Different tour operators promote this site as a tourism destination (Annex 5) and with the development programs fostered by the Government of National Reconciliation and Unity for the entire country, sustained growth is expected for upcoming years.

Managua, November 06, 2015

Prepared by: Engineer Noel Ramirez R
& Engineer Gonzalo Medina P



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ANNEX No. 1

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(The above map) was prepared by the Department of Cartography (DGC), Ministry of Public Works, Managua, Nicaragua, in collaboration with the Inter-American Geodesic Service (IAGS); compiled in 1969 through the stereo-photogrammetric method (Multiplex), based on aerial photographs taken in 1966, revised in the field in 1967, and Charter No 1517 of the year 1892 of the Hydrographic Office of the Navy of the United States of America. The horizontal and vertical control established by the DGC and the IAGS. This map is not fully verified in the field.

ANNEX 2
DESCRIPTION OF HOISTED CONTROL STATION

Country <i>Nicaragua.</i>	Type of Mark	Station <i>Great Corn Island (O. de G.-IAGS)1955</i>
Locality	Stamping on Mark	Agency (Cast in Mark)
Latitude <i>12° 10' 19" 469</i>	Longitude <i>83° 02' 52" 589</i>	Datum <i>Preliminary 1927 North American</i>
Order	Established by	Elevation (Meters)
Northing	Easting	Grid and Zone
Northing	Easting	Datum
<i>TO STATION GEODETIC AZIMUTH, BACK AZIMUTH LOG. METERS</i>		
Object	Direction	Mag-Bearing
<i>CUKRA</i>	<i>96° 19' 49" 6</i>	<i>276° 10' 40" 1</i>
<i>Colombia</i>	<i>121° 41' 38" 3</i>	<i>301° 37' 16" 7</i>
		<i>4.897 5644</i>
		<i>4.640 2775</i>
		<i>79,005.0</i>
		<i>13,679.5</i>

Description Sketch

Z-17 } *N: 1346337.640*
E: 277159.110
ELEV. 96.35

N = 1348476.222
E = 930263.382
EL = 96.35

Mount Pleasant Hill

(Described) or (Recovered) by: _____ Agency _____ Date _____

AMS FORM 3-264
7 SEPT 54 50264



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NICARAGUAN INSTITUTE FOR TERRITORIAL STUDIES
DESCRIPTION OF THE GEODESIC STATION

DEPARTMENT: R.A.A.S.	NOMENCLATURE GEODESY AND CARTOGRAPHY, INETER	COORDINATES (WGS 84)
LOCATION: CORN ISLAND	13552-1-1 BM INETER	LAT: 12° 11' 00.528" N
ROUTE: FIDUCIALLY	MARKED IN BRONZE PLATE ON CONCRETE CYLINDER	Ellipsoidal Height: 11.778 m
	BM BF08	

LOCATION:

THE STATION IS LOCATED ON THE EAST HEAD OF THE CORN ISLAND AIRPORT RUNWAY, 270 MT FROM THE BEGINNING OF THE RUNWAY OVER THE CENTRAL LINE IN THE DIRECTION OF THE COASTLINE.

THE STATION WAS SET UP BY EMBEDDING THE BRONZE METAL SHEET ON A ROCK AND SET WITH E P O X IM IL (SUPER BONDER FLEX GEL)

SKETCH

ATLANTIC OCEAN

P.E

CASA

/

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
&	GEODESY STATION	—————	BARBED WIRE FENCES	—————	TELEPHONE LINE
	TREE	1611	MILEAGE CAIRN	P.T@	TELEPHONE POST
	POWER LINES	BRIDGE	P.E.	MARKED ELECTRICAL POST
O	MARKED POST	---@---	HIGH VOLTAGE LINE	D	BENCHMARK



ANNEX No 3

NICARAGUAN INSTITUTE FOR TERRITORIAL STUDIES (INETER)

Department of Water Resources

Corn Island Tide Gauge Station, South Caribbean Autonomous Region

Corn Island Municipality is formed by two islands, Great Corn Island and Little Corn Island, located in the South Caribbean Autonomous Region (RACS), specifically in the Caribbean Sea. It does not have any rivers but given the high levels of rainfall on the island produce streams that drain to the sea and form wetland areas in the lowlands that cover 27 wetland sites encompassing a total area of 165.29 ha.

In order to strengthen the country's hydro-meteorological monitoring, a tide gauge station was established in the Great Corn Island, the purpose of which is to monitor and record variations in sea level (every ten minutes), seawater temperature (every half hour), rainfall (every ten minutes), as well as wind speed and direction (every ten minutes).

INETER in coordination with MARENA and the Municipal Port Services Company of Corn Island (EMUSEPCI) set up the station at the end of June 2014, at the Municipal Port in order to ensure protection of the equipment.



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Station location at the pier

The satellite transmission tide gauge station (telemetry) consists of a data collection platform, which records sensor logs, then transmits them via satellite to the earth station installed at INETER (every hour).

A pressure sensor measures the variations of the sea level and another sensor measures seawater temperatures. Both sensors are submerged underwater, affixed to a high pressure plastic tube and in turn it is affixed to the pier with a clamping system.

The metal box that contains the station's data gathering platform is attached to a 6 meter high metallic tower and a 12 volt battery supplies the required energy. In the same manner, the satellite transmission antennae, the GPS antennae and the solar panel that charges the battery are on the tower.



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Corn Island Tide Gauge Station installed in June 2014

The data obtained will also strengthen the processes to elaborate tide forecasts, tsunami studies, navigation safety, and determination of tide reference drawings for land and nautical cartography purposes, determination of the coastal boundaries, among other applications.

To ensure the synergy with INETER's national surveillance network and the competent environmental surveillance agencies (MARENA, ADPESCA, the National Port Authority, ANA and the Municipal Hall), there is access to data gathered by the station through the website www.ineter.gob.ni, enabling and simplifying data exchange processes to monitor monitoring the behavior of the sea level as well as for various other purposes of social and economic interest in the Island. INETER performs quarterly monitoring and maintenance of the station.



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Following, is a simple of the data recorded by the Corn Island Tide Gauge Station on October 23, 2015 between 00:00 and 02:00 am:

10/23/2015, 00:00:00	Rain	0.00,mm,G
10/23/2015, 00:00:00	Water Temperature	30.3,C,G
10/23/2015,00:00:00	Wind Direction	130,,G
10/23/2015,00:00:00	Wind Speed	1.7,MPS,G
10/23/2015,00:00:00,	Sea Level	1.52,m,G
10/23/2015,00:10:00,	Rain	0.00,mm,G
10/23/2015,00:10:00,	Wind Direction	125,,G
10/23/2015,00:10:00,	Wind Speed	2.4,MPS,G
10/23/2015,00:10:00,	Sea Level	1.55,m,G
10/23/2015,00:20:00,	Rain	0.00,mm,G
10/23/2015,00:20:00,	Wind Direction	126,,G
10/23/2015,00:20:00,	Wind Speed	2.8,MPS,G
10/23/2015,00:20:00,	Sea Level	1 .47,m,G
10/23/2015,00:30:00,	Rain	0.00,mm,G
10/23/2015,00:30:00,	Wind Direction	118,,G
10/23/2015,00:30:00,	Water Temperature	30.2,C,G
10/23/2015,00:30:00,	Wind Speed	2.9,MPS,G
10/23/2015,00:30:00,	Sea Level	1.54,m,G
10/23/2015,00:40:00,	Rain	0.00,mm,G



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10/23/2015,00:40:00,	Wind Direction	126,,G
10/23/2015,00:40:00,	Wind Speed	2.7,MPS,G
10/23/2015,00:40:00,	Sea Level	1.51,m,G
10/23/2015,00:50:00,	Rain	0.00,mm,G
10/23/2015,00:50:00,	Wind Direction	125,,G
10/23/2015,00:50:00,	Wind Speed	2.5,MPS,G
10/23/2015,00:50:00,	Sea Level	1.46,m,G
10/23/2015,01:00:00,	Water Temperature	30.2,C,G
10/23/2015,01:00:00,	Rain	0.00,mm,G
10/23/2015,01:00:00,	Wind Direction	132,,G
10/23/2015,01:00:00,	Wind Speed	3.0,MPS,G
10/23/2015,01:00:00,	Sea Level	1.50,m,G
10/23/2015,01:10:00,	Rain	0.00,mm,G
10/23/2015,01:10:00,	Wind Direction	118,,G
10/23/2015,01:10:00,	Wind Speed	2.6,MPS,G
10/23/2015,01:10:00,	Sea Level	1.44,m,G
10/23/2015,01:20:00,	Rain	0.00,mm,G
10/23/2015,01:20:00,	Wind Speed	2.2,MPS,G
10/23/2015,01:20:00,	Wind Direction	126,,G
10/23/2015,01:20:00,	Sea Level	1.45,m,G
10/23/2015,01:30:00,	Rain	0.00,mm,G
10/23/2015,01:30:00,	Water Temperature	30.2,C,G
10/23/2015,01:30:00,	Wind Speed	2.1,MPS,G
10/23/2015,01:30:00,	Wind Direction	98,,G



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10/23/2015,01:30:00,	Sea Level	1.49,m,G
10/23/2015,01:40:00,	Rain	0.00,mm,G
10/23/2015,01:40:00,	Wind Speed	1.8,MPS,G
10/23/2015,01:40:00,	Wind Direction	104,,G
10/23/2015,01:40:00,	Sea Level	1.43,m,G
10/23/2015,01:50:00,	Rain	0.00,mm,G
10/23/2015,01:50:00,	Wind Speed	1.6,MPS,G
10/23/2015,01:50:00,	Wind Direction	94,,G
10/23/2015,01:50:00,	Sea Level	1.45,m,G
10/23/2015,02:00:00,	Rain	0.00,mm,G
10/23/2015,02:00:00,	Water Temperature	30.2,C,G
10/23/2015,02:00:00,	Wind Direction	96,,G
10/23/2015,02:00:00,	Wind Speed	1.1,MPS,G
10/23/2015,02:00:00,	Sea Level	1.47,m,G
10/23/2015,02:10:00,	Rain	0.00,mm,G
10/23/2015,02:10:00,	Wind Direction	112,,G

Prepared by the Department of Water Resources, Thursday, November 5, 2015

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Y COMUNIDAD!
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ANNEX No. 4





ANNEX No. 5

VISIT CORN ISLAND

TripAdvisor:

http://www.tripadvisor.com.mx/Tourism-g612404-Corn_Islands_Southern_Atlantic_Autonomous_Region-Vacations.html

Opinions and advice on hotels, resorts, flights, vacation rentals, travel packages and much more so that you can plan and make reservations for your ideal trip to Corn Island

The fastest, most convenient but also the most expensive way is the flight from Managua to Big Corn Island; you land on the Island's runway in one hour and 45 minutes for a price of approximately **US\$ 170** per ticket. Atlantic Airlines and La Costeña have several flights on a daily basis. The ferry is another alternative to arrive at the Greater Island on a weekly basis from El Rama. El Rama is a small port city located at the birth of Escondido River (which arrives at Bluefields) and has a decent connection with Managua by road. This option is at least three times cheaper but requires more than one day on less comfortable conditions. The adventure is guaranteed during this trip and is certainly an unforgettable experience. The round-trip ferry between El Rama and Bluefields is called Ferry 1.

List of hotels in Corn Island

- 1-Yemaya Island Hideaway & Spa
- 2-Mimundo Corn Island Hostel
- 3-Arenas Beach Hotel
- 4-Paraiso Beach Hotel
- 5-Carlito's Sunrise Paradise
- 6-Hotel Bellavista
- 7-Derek's Place
- 8-La Princesa de la Isla
- 9-Sunshine Hotel





10-Casa Canada

11-Little Corn Beach and Bungalow

12-Lobster Inn

13-Hospedaje Los Escapados

14-Martha's Bed and Breakfast

15-Yellowtail House

16-Hotel Los Delfines

Vacation homes in Corn Island

1-Treehouse_Overlooking_Beach

2-Crows_Nest_Studio_Apartment_on_the_Beach

Tours and activities in Corn Island

1- Diving and snorkel

2- Fishing tours and charters

3- Water sports

4- Water skiing and jet skiing

5-Rafting swimming with life jackets

6- Standup paddle-boarding

7-Surf , Wind-Surf , Kite-Surf

8-Tourist tours

List of Attractions in Corn Island

1-Activities in Big Corn Island

2- Diving in Corn Island

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3-Georges Cay

4-The Soul of the World Monument

5-Boat tour around Corn Island

6-Brig Bay Beach

7-Coral Beach

8-Kelly Gully Beach

9- Long Bay Beach

10-North End Beach

11-Sally Peaches Beach

12-Waula Point Beach



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ANNEX 21

Diplomatic Note N° 071-96-DVM from the Costa Rican Minister of Foreign Affairs to the Nicaraguan Minister of Foreign Affairs, 1 March 1996

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

Ministry of Foreign Affairs and Cult
OFFICE OF THE DEPUTY MINISTER

#071-96-DVM

San Jose, March 1, 1996

His Excellency the Minister:

I am pleased to address Your Excellency with the purpose of confirming Note #950575 from that Ministry of Foreign Affairs, dated December 11th of last year, which I allow myself to under the following terms:

In the referred note you state your deep concern about the statements published in the Newspaper La Prensa Libre of Costa Rica, dated October 16th and 17th of last year, which attributes to the undersigned, the statement in the sense that [he] “considers the need to ratify the treaties on maritime boundaries with Colombia and Ecuador as soon as possible because they are highly beneficial for the country”.

What I declared to the journalist Berlioth Herrera on occasion of the press articles published in La Prensa Libre, to which that Ministry of Foreign Affairs alludes, is that the undersigned considers that the treaties with Ecuador and Colombia are extremely beneficial for the country, given that such Treaties constitute the first acknowledgement for other States, of the jurisdiction of 200 miles as of Coco Island in the Pacific Ocean, which allows Costa Rica to possess, without international containment, an economic zone ten times the size of its continental territory. Such acknowledgement is important, I add now, because this deals with two States that in turn, reclaim jurisdictional waters in the Eastern Pacific.

The note from that Ministry of Foreign Affairs also includes a paragraph that textually states:

“My Government wishes to reiterate its invariable position that the Draft Treaty undersigned between Costa Rica and Colombia constitutes a serious threat to the sovereignty, rights and jurisdiction of Nicaragua, considering it unacceptable from every point of view.

Such thesis compels us to recall that the Maritime Boundary Treaty between Costa Rica and Colombia in relation to the Caribbean Sea, was signed in the year 1977, that is, long before there was a dispute between Nicaragua and Colombia with the “Declaration over the San Andres and Providencia

Islands and its surrounding territories”, issued on February 4, 1980 by the Government Junta of Nicaragua.

According to universally accepted principles of international law, “a treaty does not create obligations or rights for a third State without its consent” (doctrine now gathered in Article 34 of the Vienna Convention on the Law of Treaties).

It is then clear to the community of nations that the Treaty signed by Costa Rica with the Republic of Colombia is not capable to damaging the rights that, pursuant to International Law, Nicaragua may have against Colombia in the Caribbean Sea.

Therefore, this Ministry of Foreign Affairs cannot accept, as it does not accept, the allegations in the note we are responding. The Republic of Costa Rica reserves the sovereign right to sign and ratify the International Treaties and Conventions that are beneficial to the country and its people.

Notwithstanding this, this Ministry of Foreign Affairs, as a good will gesture toward the sister people of Nicaragua, will not act in its boundary position in the North Caribbean, until the Government of Nicaragua and Colombia reach an agreement that enables overcoming the dispute that arose in those two friendly nations, just as publicly expressed by the Minister of Foreign Affairs, Mr. Fernando Naranjo Villalobos on occasion of his visit to Managua during last August.

Naturally, our country will continue marking its delimitation with the territorial waters adjacent to Nicaragua, applying the traditional midline or equidistant line, according to the accepted practice in International Law and now gathered in the text to Article 15 of the United Nations Convention on the Law of the Sea.

I take this opportunity to renew to the Minister, the assurances of my most distinguished and fraternal consideration.

Illegible Signature
Rodrigo X. Carreras
Acting Minister
Illegible Stamped Seal Affixed

His Excellency
ERNESTO LEAL
Minister of Foreign Affairs of
Nicaragua

ANNEX 22

Diplomatic Note N° DM. 172-96 from the Costa Rican Minister of Foreign Affairs to the Colombian Minister of Foreign Affairs, 14 May 1996

Source: *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Counter Memorial of the Republic of Colombia, Vol. II-A, Annex 67.

(The Minister of Foreign Affairs and Religious Observance)

DM - 172-96

San José, 14th May 1996

Your Excellency:

I have the honor to address Your Excellency on the occasion of acknowledging receipt and referring to the note numbered DM-00037 that you addressed to me on 11th April last, by means of which you let me know the position of the Illustrious Government of Colombia with regard to the Treaty on the Delimitation of Marine and Submarine Waters signed on the 17th of March 1977 by both countries.

With regard to the content of the said note, first I must express to Your Excellency that the Government of Costa Rica took note that for the Illustrious Government of Colombia there is no dispute whatsoever with the Republic of Nicaragua regarding the sovereignty, possession and control that the former exercises over the entire Archipelago of San Andres and Providencia.

Conversely, in second place, I inform Your Excellency that in the Government of Costa Rica's view, in full harmony with international norms as embodied in the Vienna Convention on the Law of Treaties, the Treaty on Maritime Delimitation between Colombia and Costa Rica has been complied with, is being complied with and will continue to be complied with, as a show of good faith of the Parties. The terms of that Treaty are clear, unequivocal and the absence of incidents or difficulties between both countries in this matter evidences the beneficial character of that legal instrument.

Finally, I take the liberty of confirming to Your Excellency that the said Treaty is, currently, being submitted to the process of approval by the Legislative Assembly, in accordance with the provisions of the political Constitution of Costa Rica.

I avail myself of the opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished esteem.

(Signed)

FERNANDO E. NARANJO V.

To His Excellency
Camilo Reyes Rodríguez
Minister of Foreign Affairs a.i.
Santa Fe de Bogota, Colombia

ANNEX 23

Diplomatic Note N° DVM 103 from the Costa Rican Vice-Minister of Foreign Affairs to the Colombian Ambassador in Costa Rica, 23 March 1997

Source: *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Counter Memorial of the Republic of Colombia, Vol. II-A, Annex 69.

The Vice-Minister of Foreign Affairs and Religious Observance

DVM. No. 103

San José, 23 March 1997

Your Excellency
Jorge Michelsen
Colombian Ambassador in Costa Rica

Your Excellency Mr. Ambassador:

I have the honor to address Your Excellency in reference to the article of Freddy Pacheco published last week in the journal La Prensa Libre.

I was surprised to read this article that completely distorts the position of the Government of Costa Rica with respect to the Treaties on Maritime Limits between the Republic of Costa Rica and the Republic of Colombia, signed in 1977 and in 1984, and that erroneously states that Costa Rica has decided not to ratify these instruments.

In this regard, my Government reiterates what has been already stated in previous notes with respect to our interest in having those treaties ratified by our Legislative Assembly, both of them being in its agenda. The Government of Costa Rica, in accordance with the Law of Treaties, shall continue to comply with what was agreed without acting against it.

I avail myself of the opportunity to reiterate to Your Excellency the assurances of my highest and most distinguished esteem.

(Signed)
Rodrigo X. Carreras J.
Vice-Minister

ANNEX 24

Diplomatic Note N° DM 073-2000 from the Costa Rican Minister of Foreign Affairs to the Colombian Minister of Foreign Affairs, 29 May 2000

Source: *Territorial and Maritime Dispute (Nicaragua v. Colombia)*, Rejoinder of the Republic of Colombia, Vol. II, Annex 2.

The Minister of Foreign Affairs and Worship

San José, 29 May 2000.

DM 073-2000

Your Excellency:

As the Costa Rican Legislative Assembly is setting out to consider, for its approval, the Treaty on Delimitation of Marine and submarine Areas and Maritime Cooperation signed between our two countries on 6 April 1984, I am pleased to convey to Your Excellency that my country, always observant of the principles and rules of international law and in particular those framing the conclusion of international treaties, has complied with and will continue to comply with that instrument in good faith, as well as the Treaty on Delimitation of Marine and Submarine Areas and Maritime Cooperation of 17 March 1977.

It is evident that throughout these years, both treaties have shown their beneficial character, have facilitated cooperation and contributed to mutual understanding, the preservation of peace and trust between our two States, becoming an example for the region and the continent.

The Government of Costa Rica therefore, will continue the required procedures for the ratification and exchange of corresponding instruments, once approved by the Legislative Power.

May this serve to state to Your Excellency, the assurances of my utmost consideration and esteem, sincerely.

[signed illegibly]

Roberto Rojas

His Excellency
Guillermo Fernández de Soto
Minister of Foreign Affairs
Republic of Colombia

ANNEX 25

**A- Diplomatic Note from the Permanent Mission of Nicaragua to the
United Nations to the Secretary General of the United Nations**

MINIC-NU-050-13, 20 December 2013

**B- Diplomatic Note from the Permanent Mission of Nicaragua to the
United Nations to the Secretary General of the United Nations**

MINIC-NU-049-13, 20 December 2013

Source: Archives of the Ministry of Foreign Affairs of Nicaragua

Non Official Translation

MINIC-NU-050-13

The Permanent Mission of Nicaragua to the United Nations presents its compliments to the Secretary General of the United Nations and has the honour to refer to the communication submitted by the Permanent Mission of Panama to the United Nations on 30 September 2013 regarding Nicaragua's Submission to the Commission on the Limits of the Continental Shelf, in which Panama advises of an affectation to its maritime space.

In that respect, Nicaragua recalls that its Submission to the Commission on the Limits of the Continental Shelf was made pursuant to Nicaragua's obligations as a State Party to the United Nations Convention on the Law of the Sea.

Furthermore, Nicaragua's Submission does not in any way encroach upon any rights over maritime areas to which Panama is entitled under international law. As Nicaragua observes in the Executive Summary of its Submission, in accordance with article 76(10) of the United Nations Convention on the Law of the Sea, the Submission is made without prejudice to the question of the delimitation of the continental shelf between Nicaragua and neighbouring States. Nicaragua does not claim any areas of continental shelf which appertain to Panama in accordance with the Maritime Delimitation Treaty between Panama and the Republic of Colombia in force as of 30 November 1977.

Nicaragua remains committed to delimiting its maritime boundaries, including its continental shelf boundaries with neighbouring States in accordance with international law, including the judgments of the International Court of Justice.

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

New York, 20 December 2013

H.E. Ban Ki-Moon
Secretary General
to the United Nations
United Nations
New York



Non Official Translation

MINIC-NU-049-13

The Permanent Mission of Nicaragua to the United Nations presents its compliments to the Secretary General of the United Nations and has the honour to refer to the communication submitted by the Permanent Mission of Jamaica to the United Nations on 12 September 2013 regarding Nicaragua's Submission to the Commission on the Limits of the Continental Shelf, in which Jamaica, having regard to the potential areas of continental shelf that Nicaragua is seeking to establish through that Submission, advises of the overlapping claims in the areas of exclusive economic zone appertaining to Jamaica.

In that respect, Nicaragua recalls that its Submission to the Commission on the Limits of the Continental Shelf was made pursuant to Nicaragua's obligations as a State Party to the United Nations Convention on the Law of the Sea.

Furthermore, Nicaragua's Submission does not in any way encroach upon any rights over submarine areas to which Jamaica is entitled under international law. As Nicaragua observes in the Executive Summary of its Submission, in accordance with article 76(10) of the United Nations Convention on the Law of the Sea, the Submission is made without prejudice to the question of the delimitation of the continental shelf between Nicaragua and neighbouring States. Nicaragua does not claim any areas of continental shelf which appertain to Jamaica in accordance with the Maritime Delimitation Treaty between Jamaica and the Republic of Colombia, dated 12 November 1993.

Nicaragua remains committed to delimiting its maritime boundaries, including its continental shelf boundaries with neighbouring States in accordance with international law, including the judgments of the International Court of Justice; and to the operation of fair, practical and stable arrangements for the exploitation of seabed resources that straddle continental shelf boundaries.

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

New York, 20 December 2013

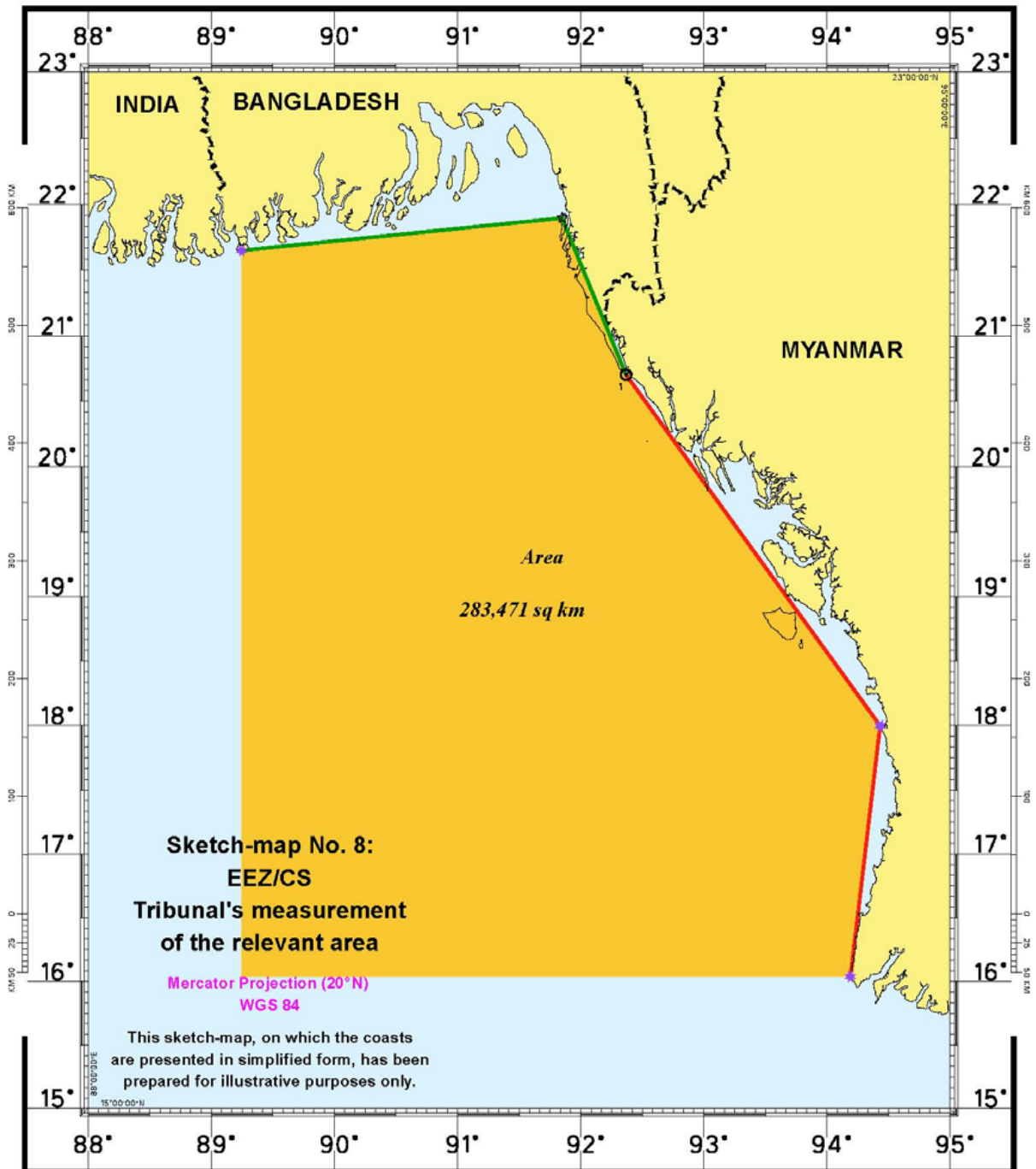
H.E. Ban Ki-Moon
Secretary General
to the United Nations
United Nations
New York



ANNEX 26

Sketch Map 8 from the ITLOS' Bangladesh–Myanmar Award

Source: ITLOS, *Dispute concerning delimitation of the maritime boundary between Bangladesh and Myanmar in the Bay of Bengal (Bangladesh/Myanmar)*, judgment of 14 March 2012, p. 144, Sketch-map No. 8.

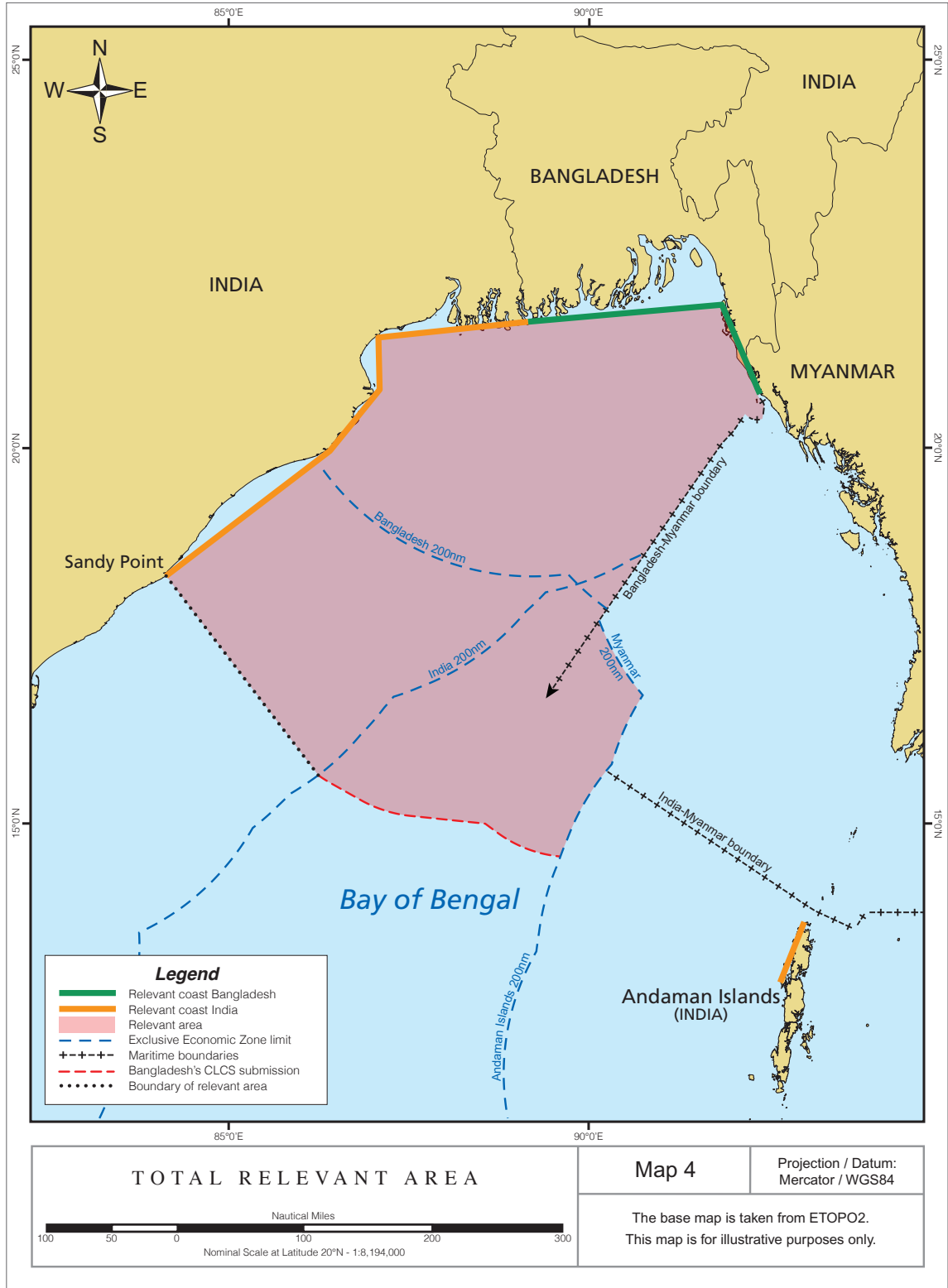


Sketch Map 8 from the ITLOS' Bangladesh-Myanmar Award

ANNEX 27

Sketch Map 4 from the Bangladesh–India Award

Source: UNCLOS Annex VII Tribunal, *Bay of Bengal Maritime Boundary Arbitration (Bangladesh v. India)*, Award, 7 July 2014, p. 89, Map 4.



Sketch Map 4 from the Bangladesh-India Award

ANNEX 28

Figures of the Pacific Ocean

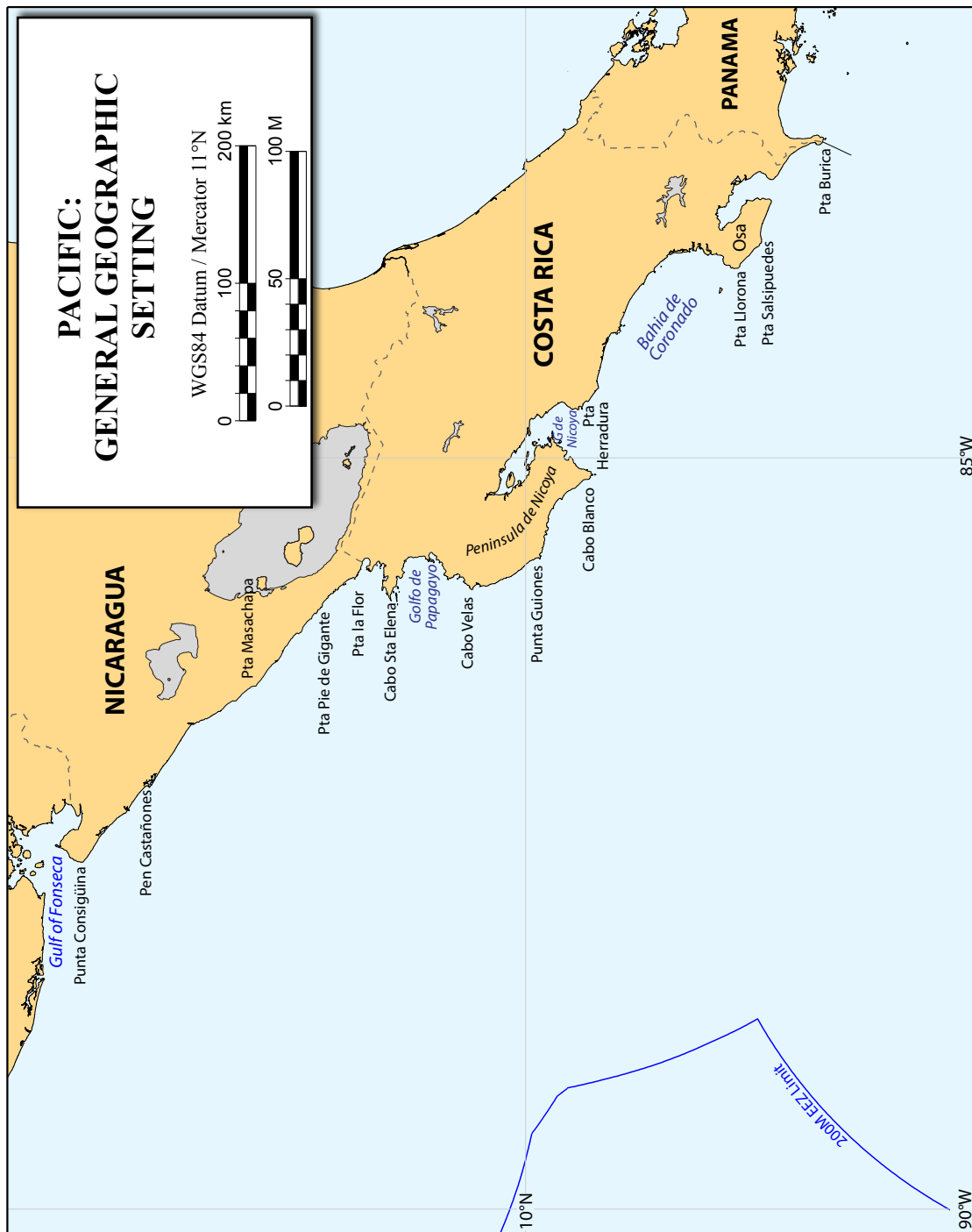


Figure Ia-1

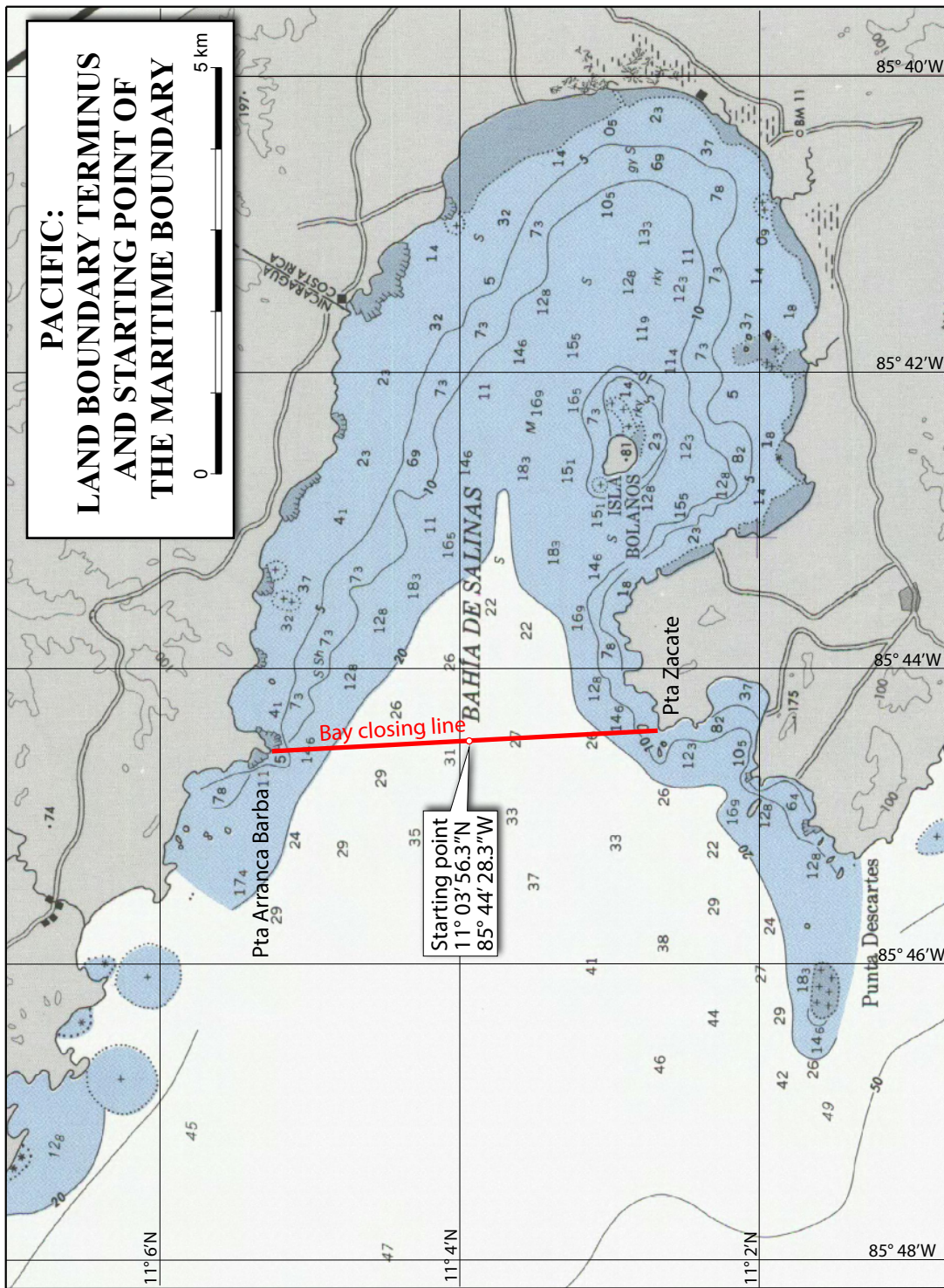


Figure 1a-3

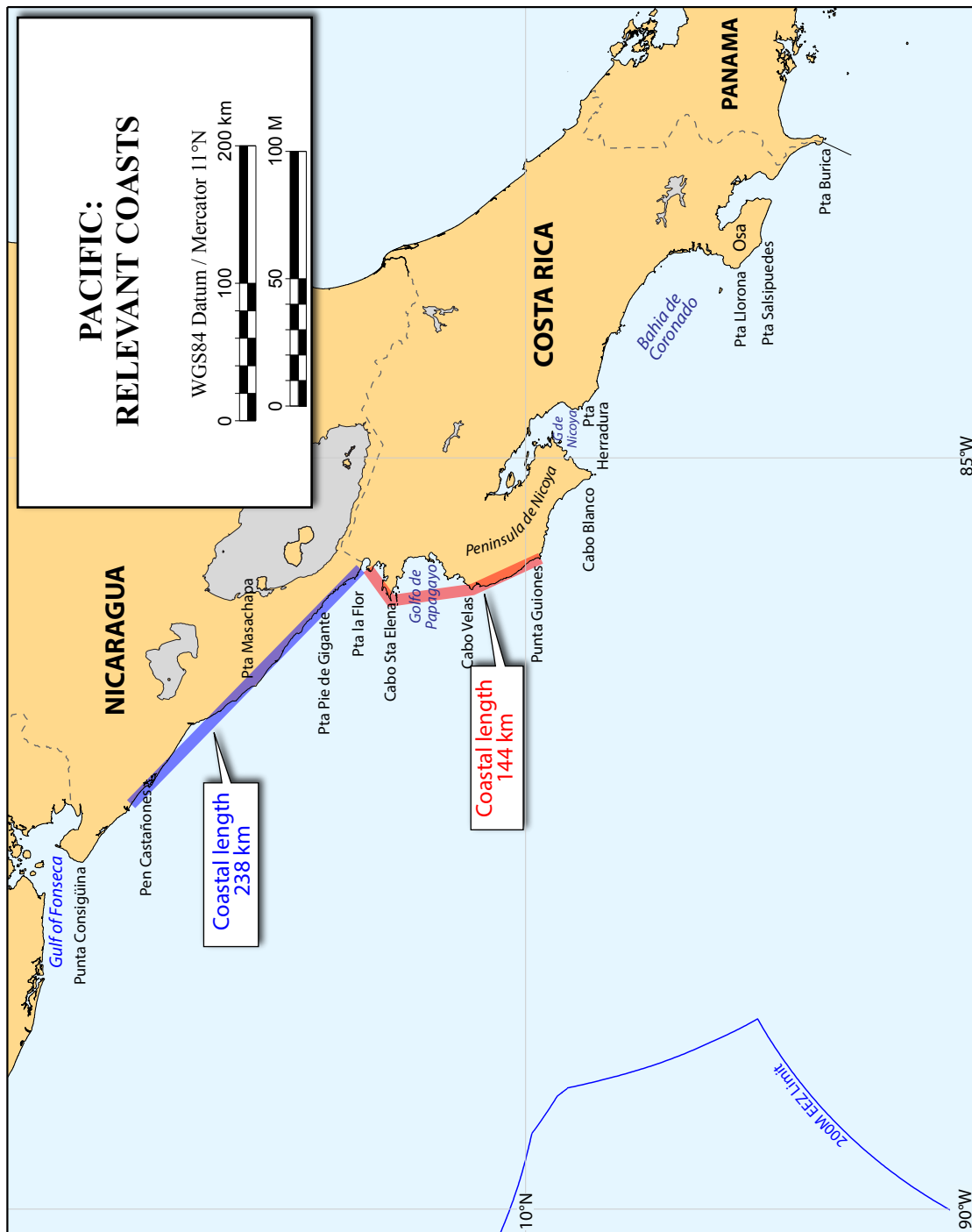


Figure 1b-1

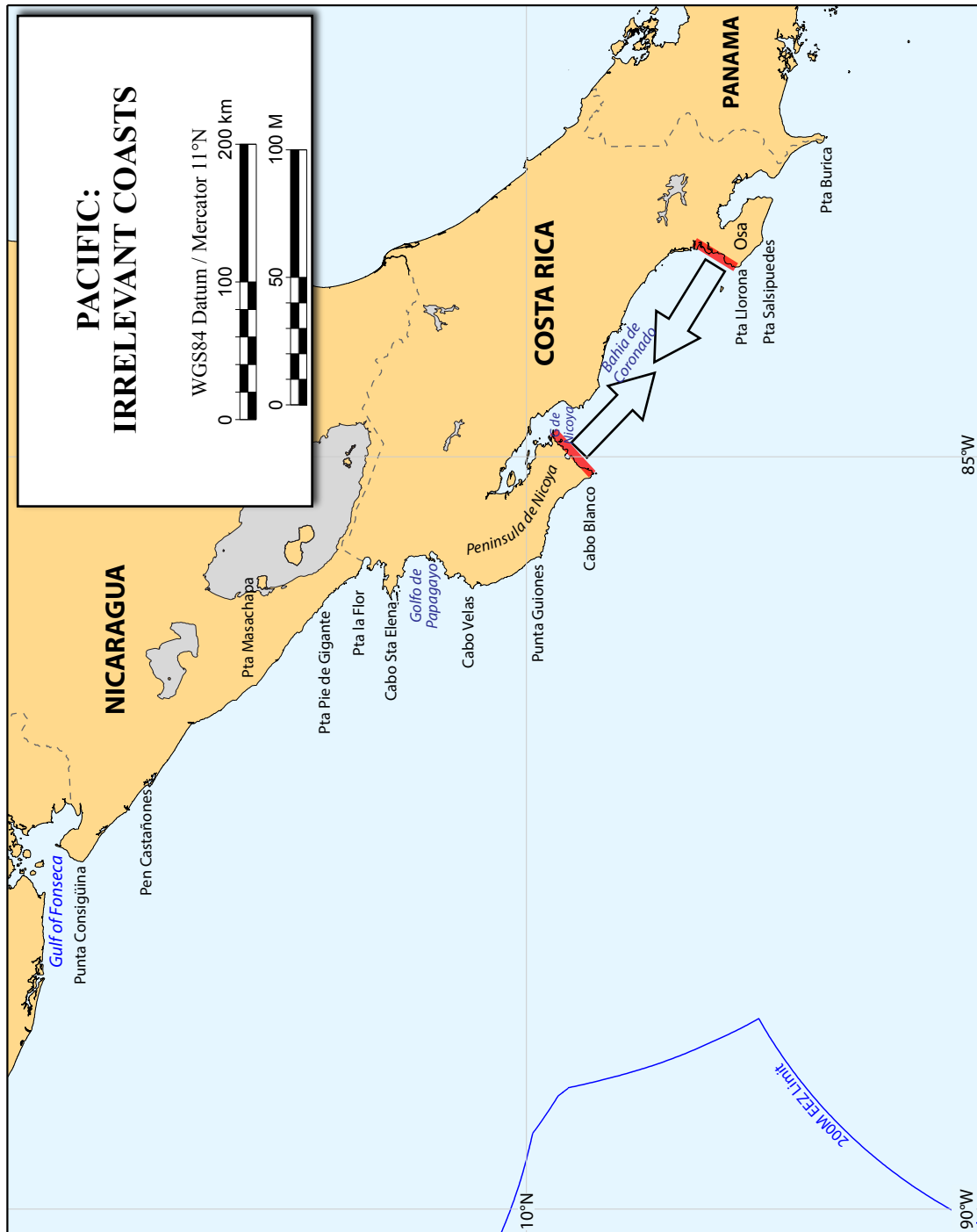


Figure Ib-2

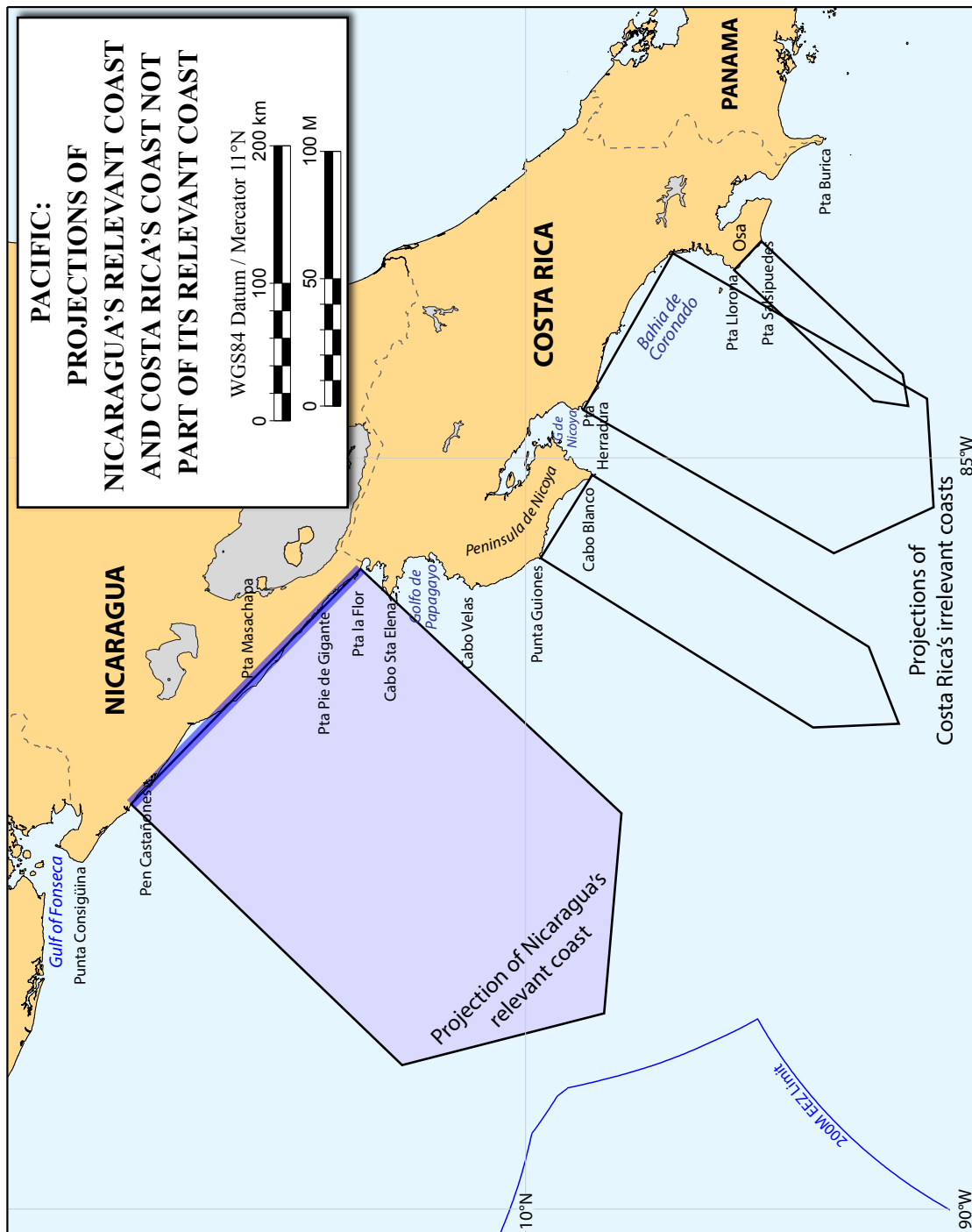


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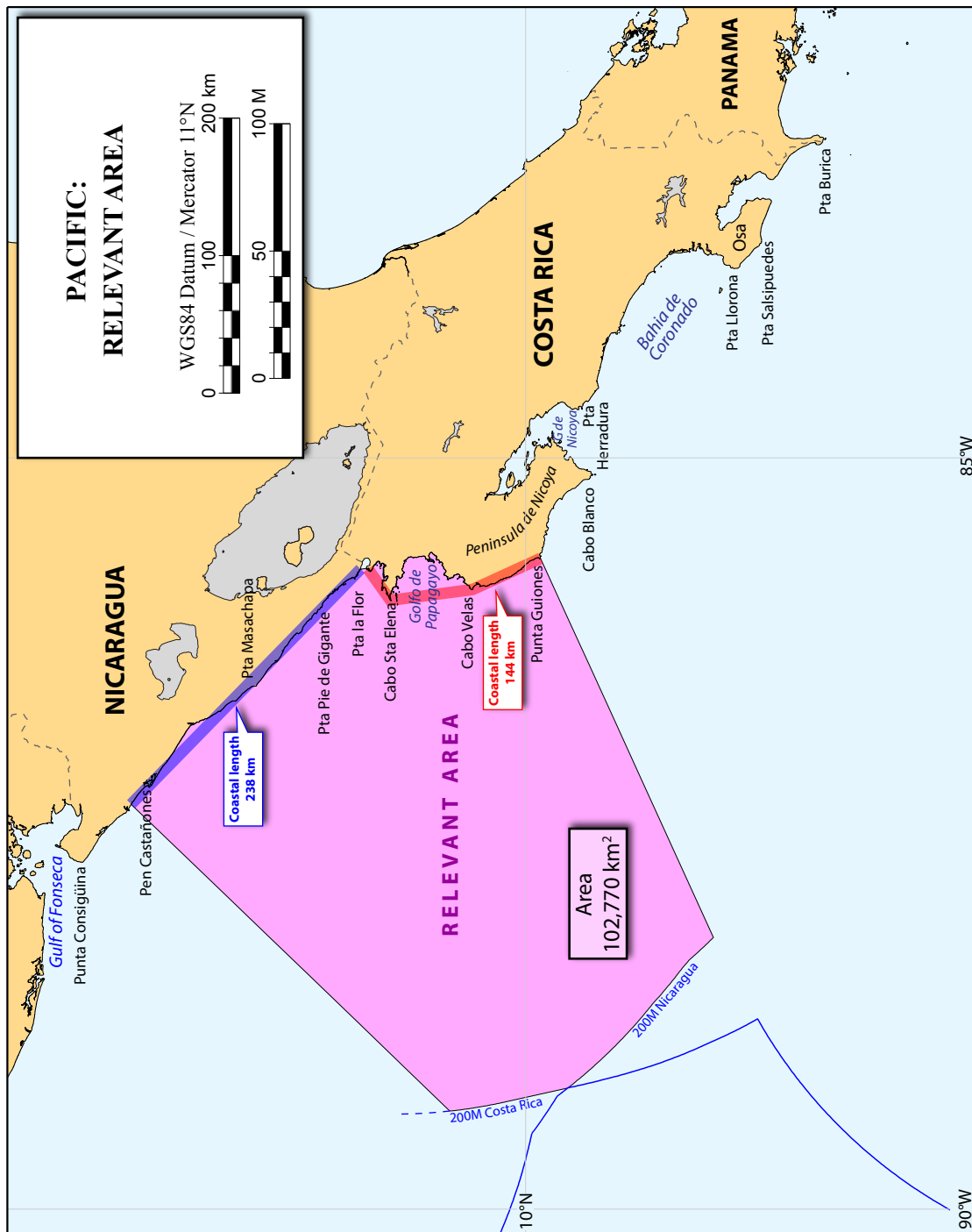


Figure Ib-4

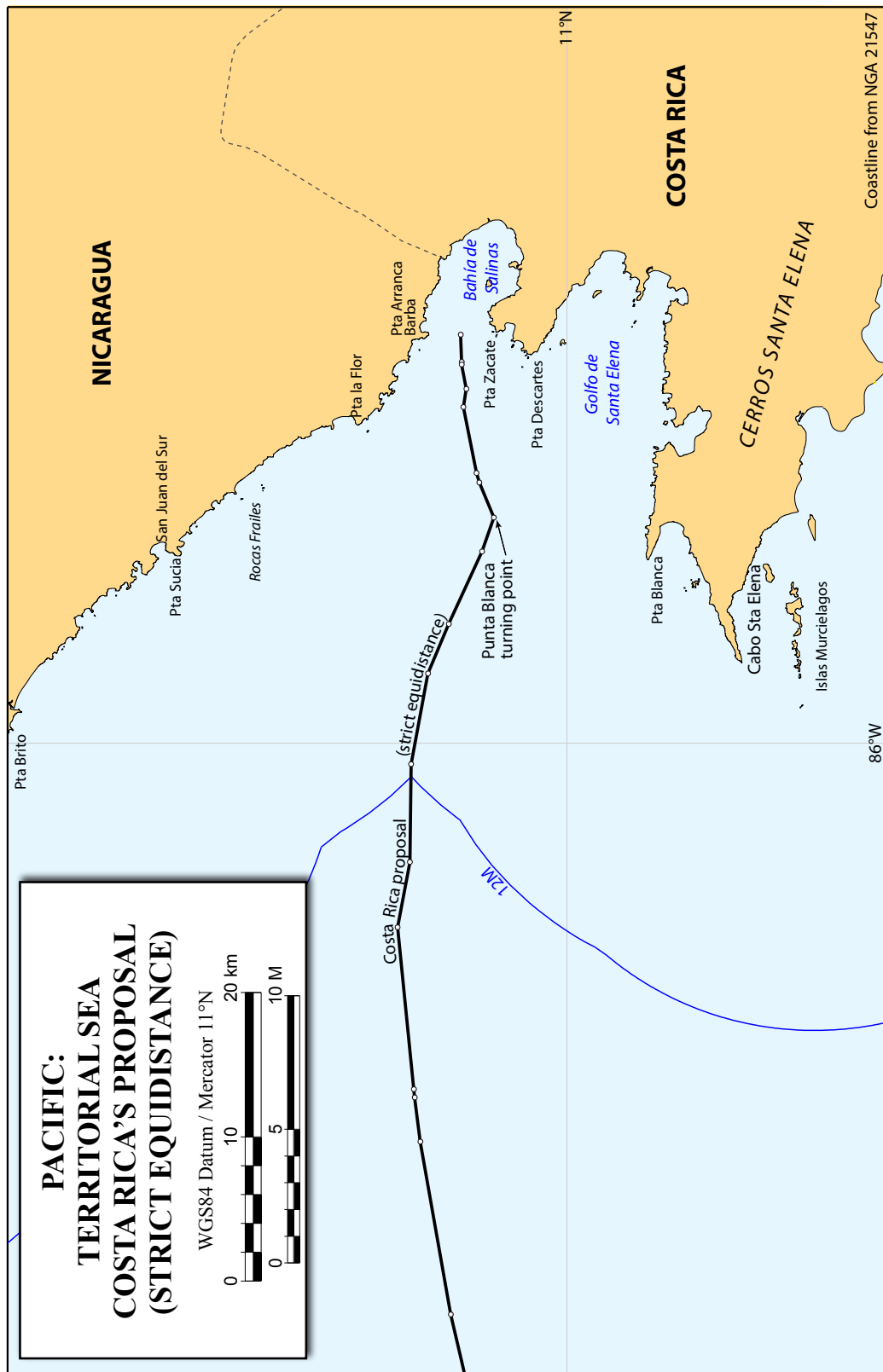


Figure 1c-1

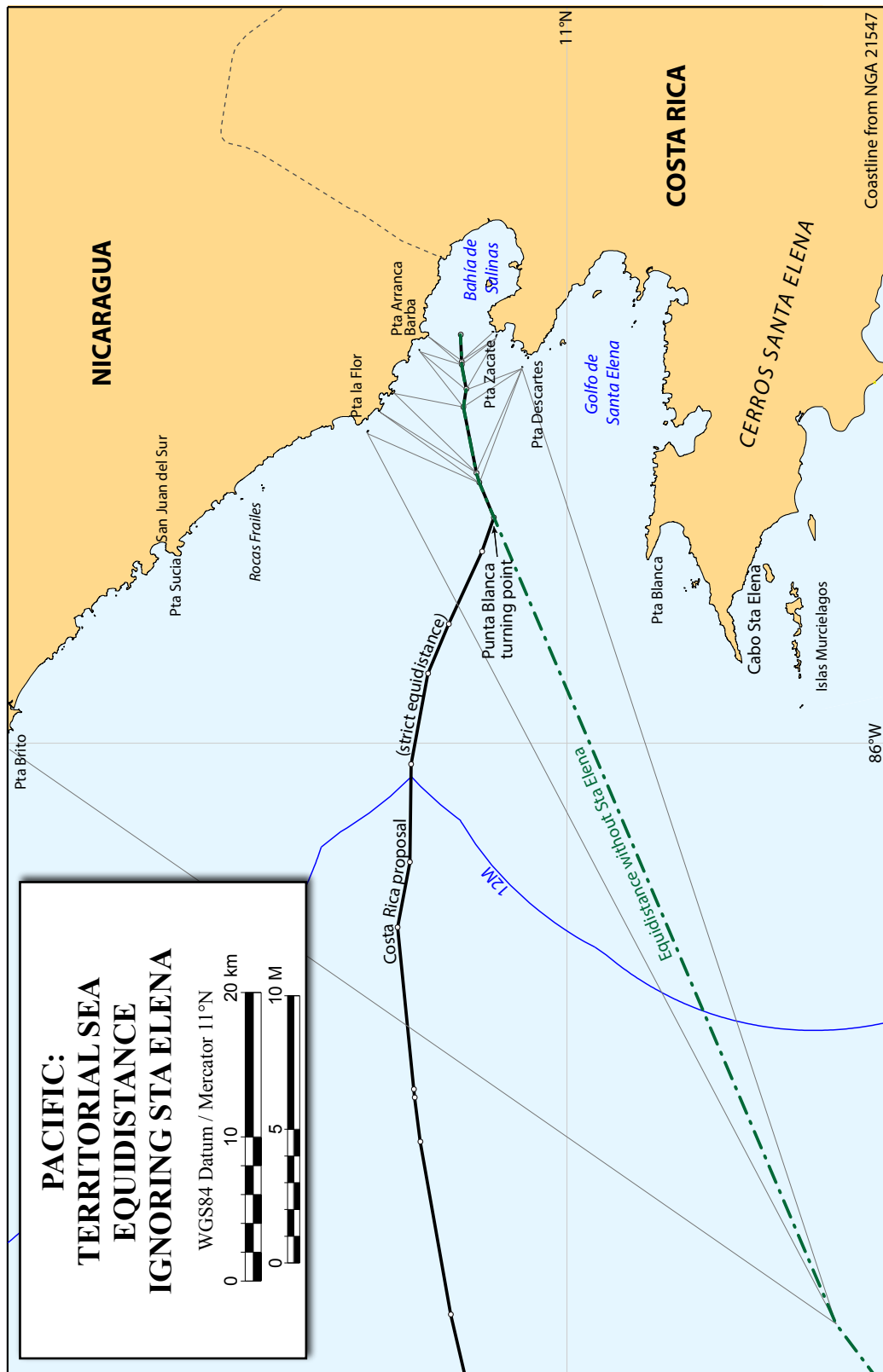


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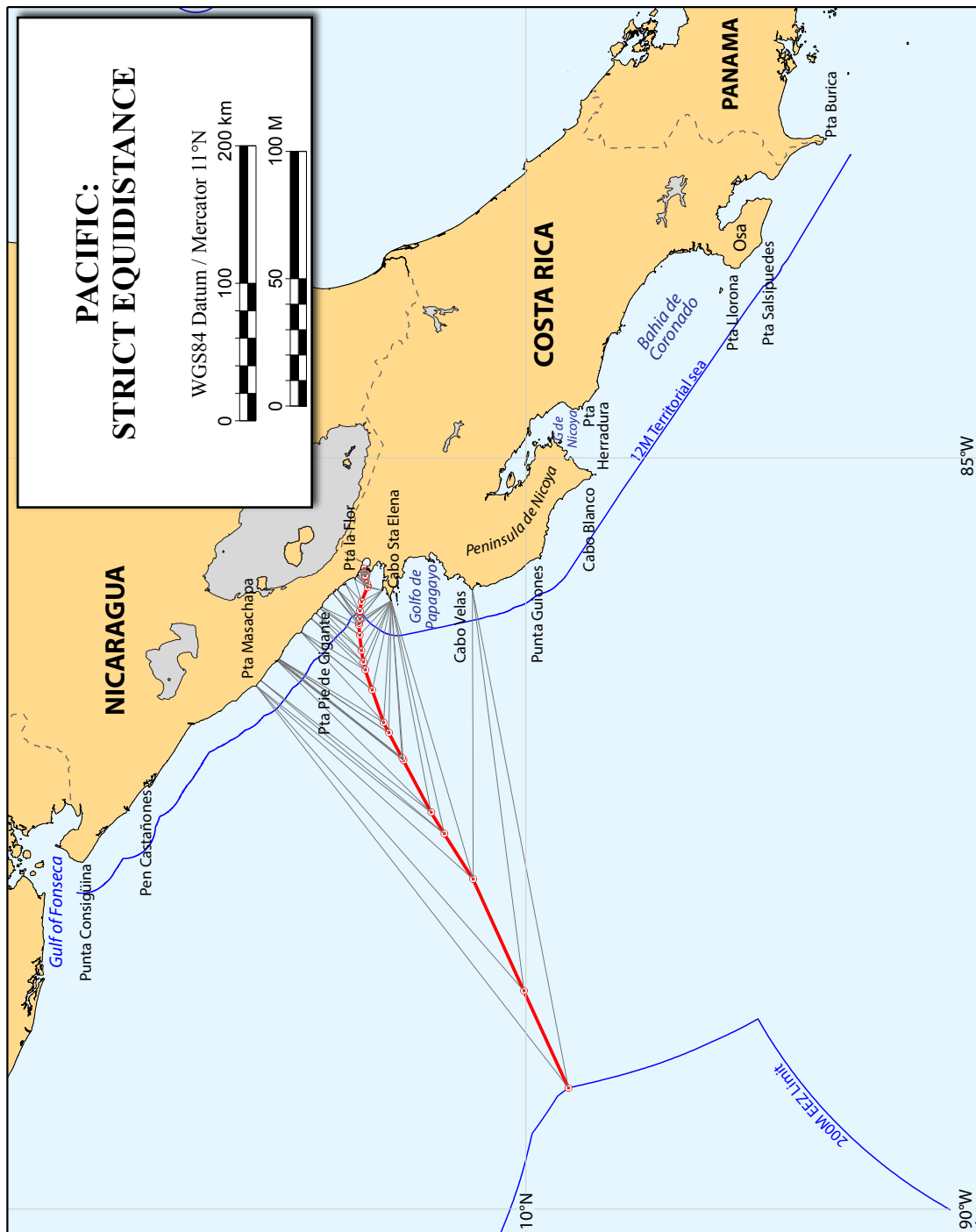


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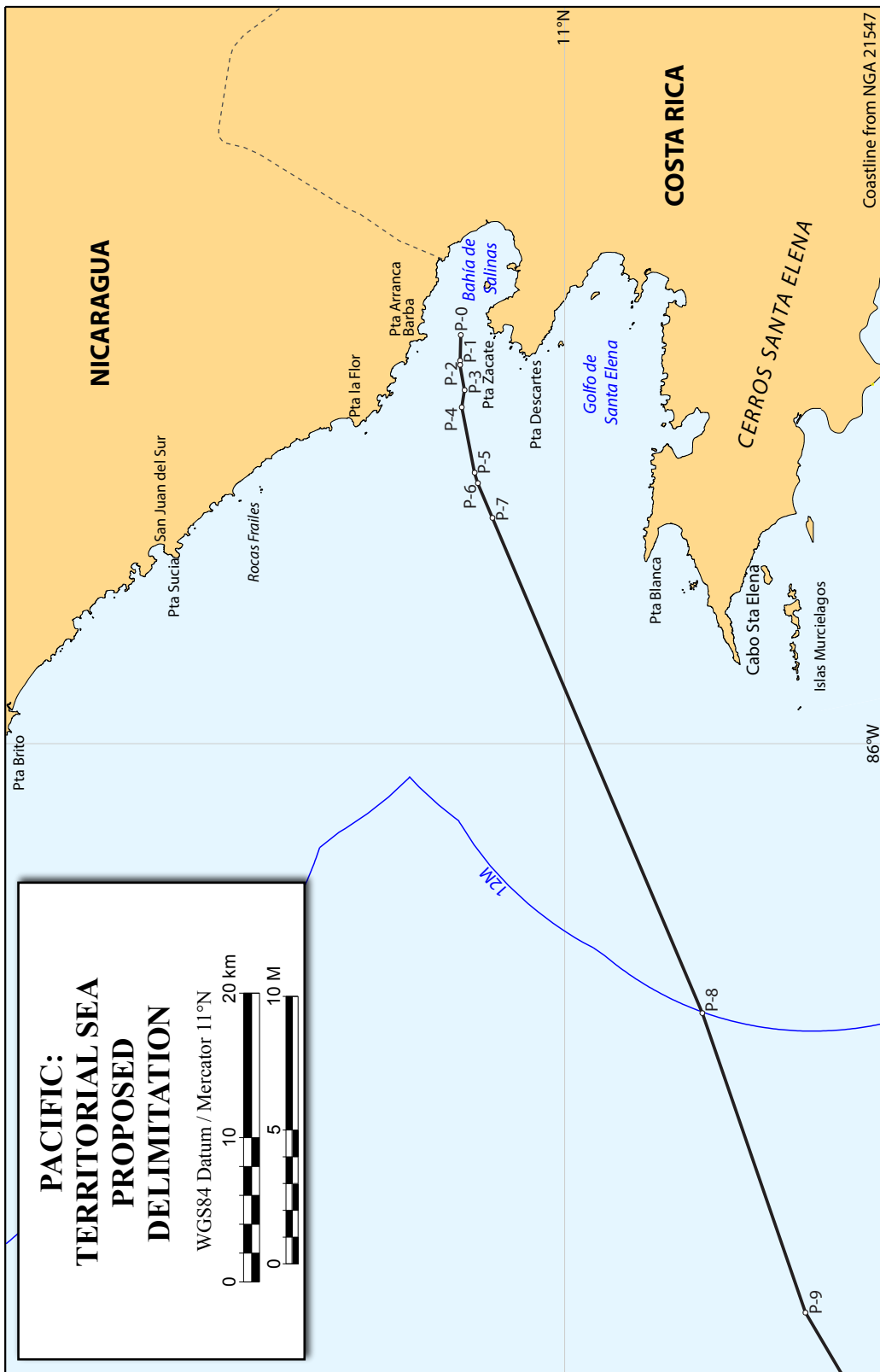


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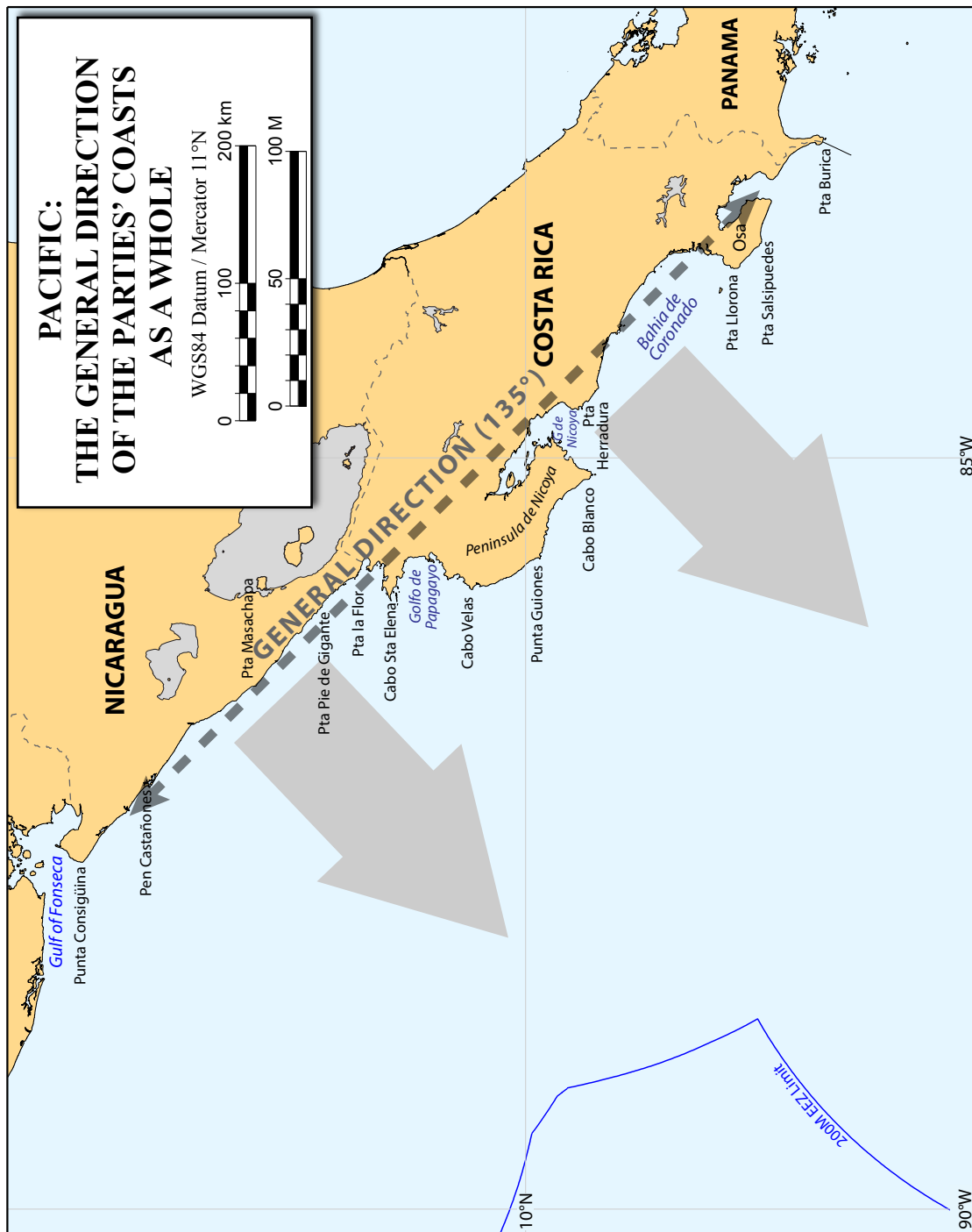


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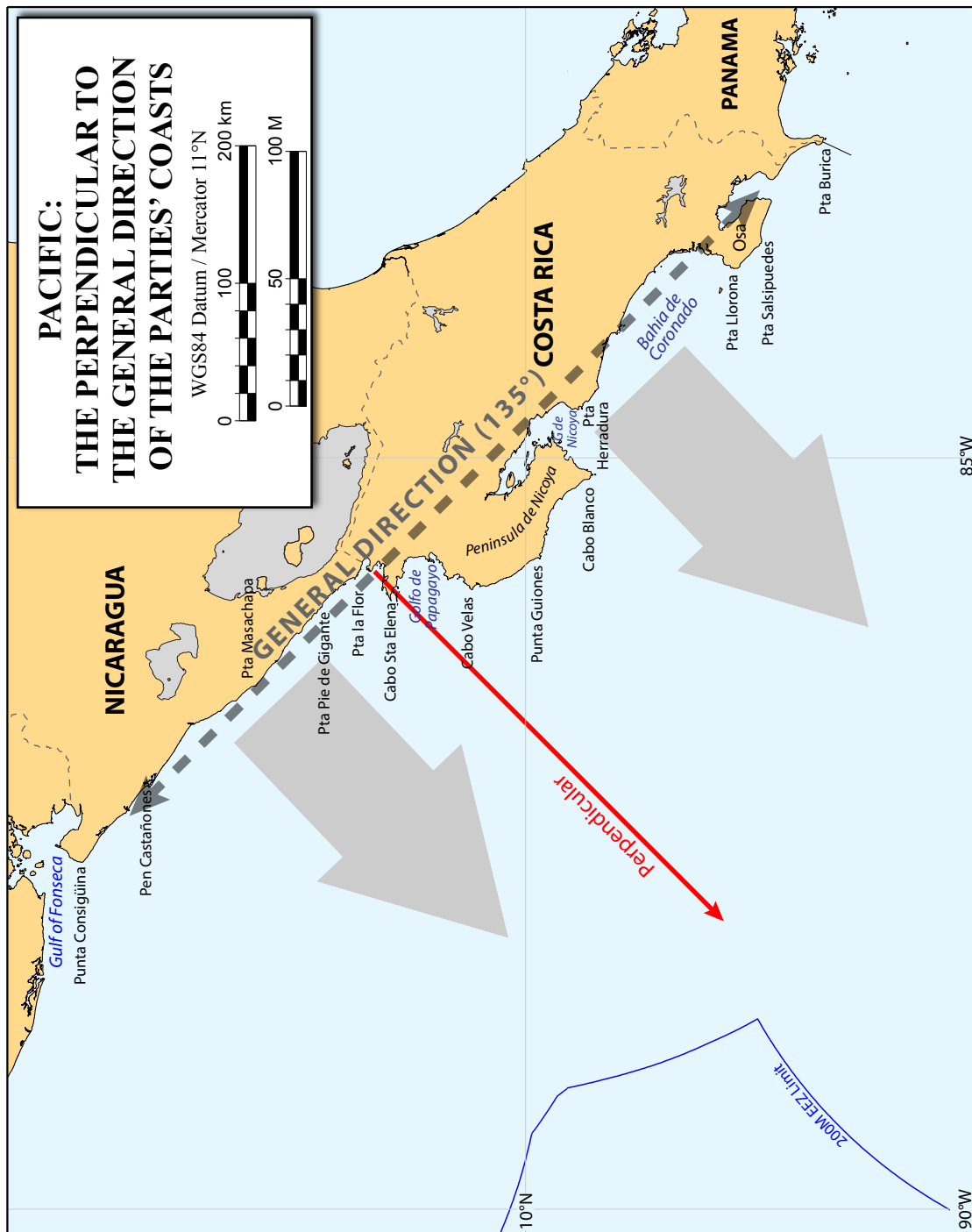


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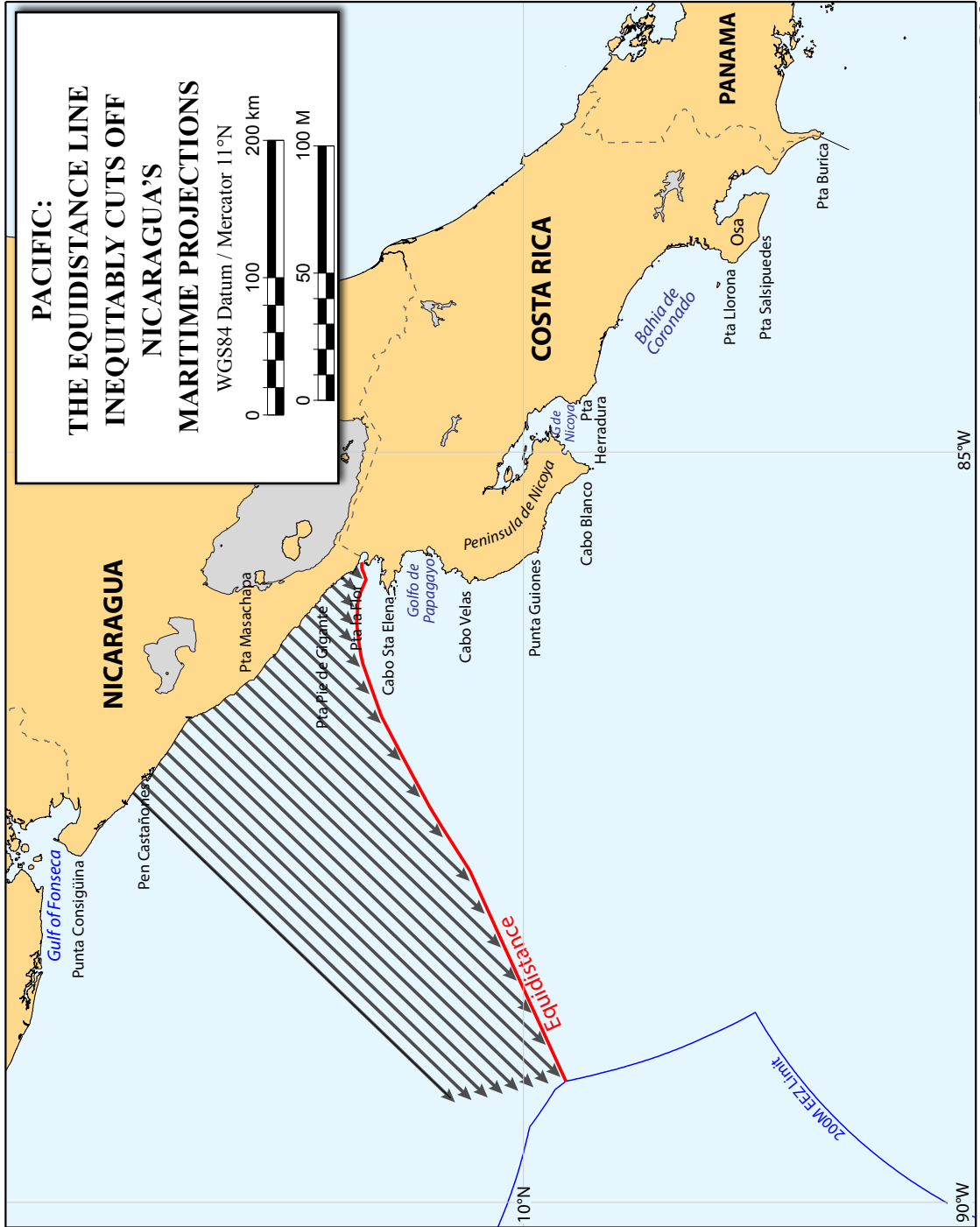


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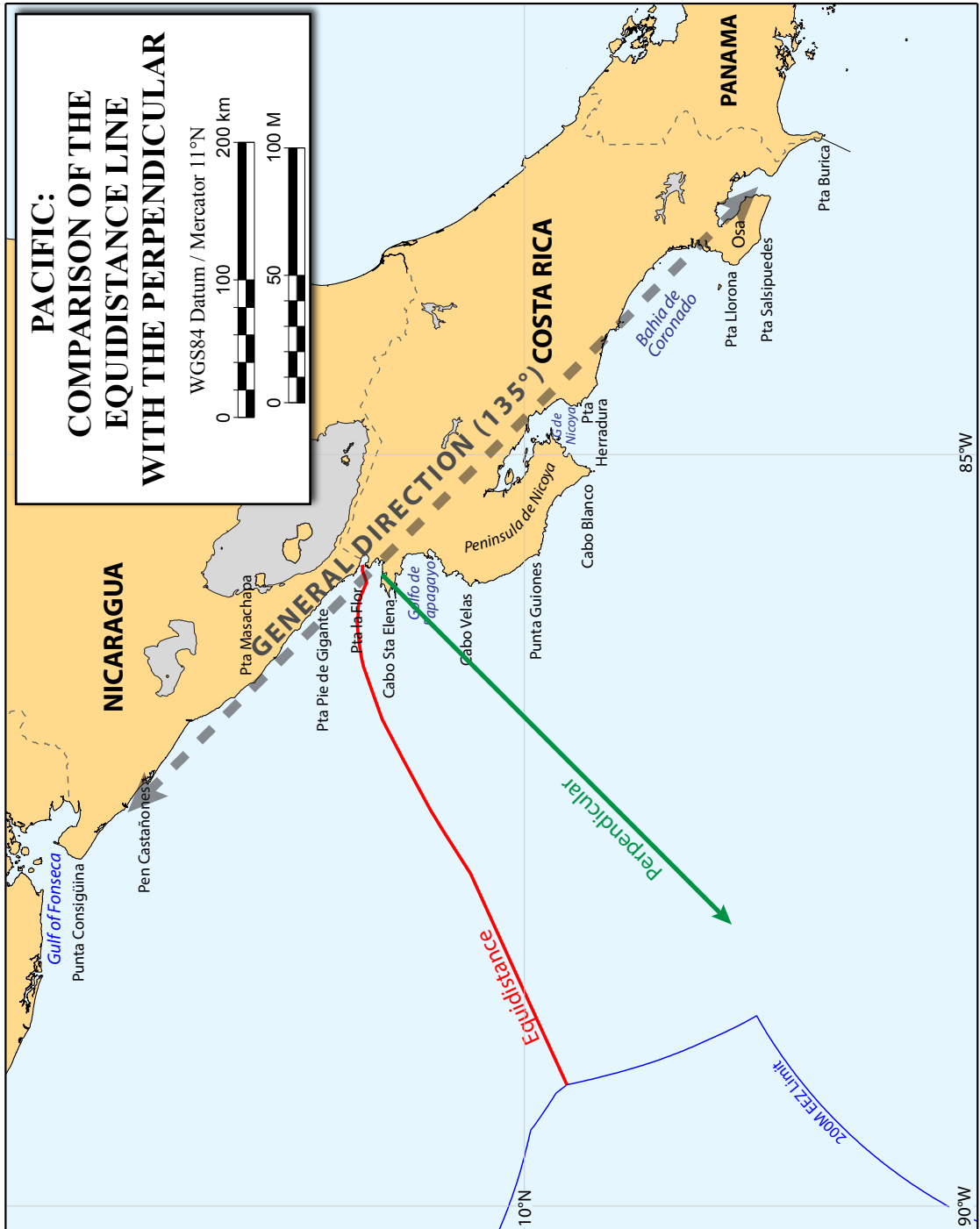


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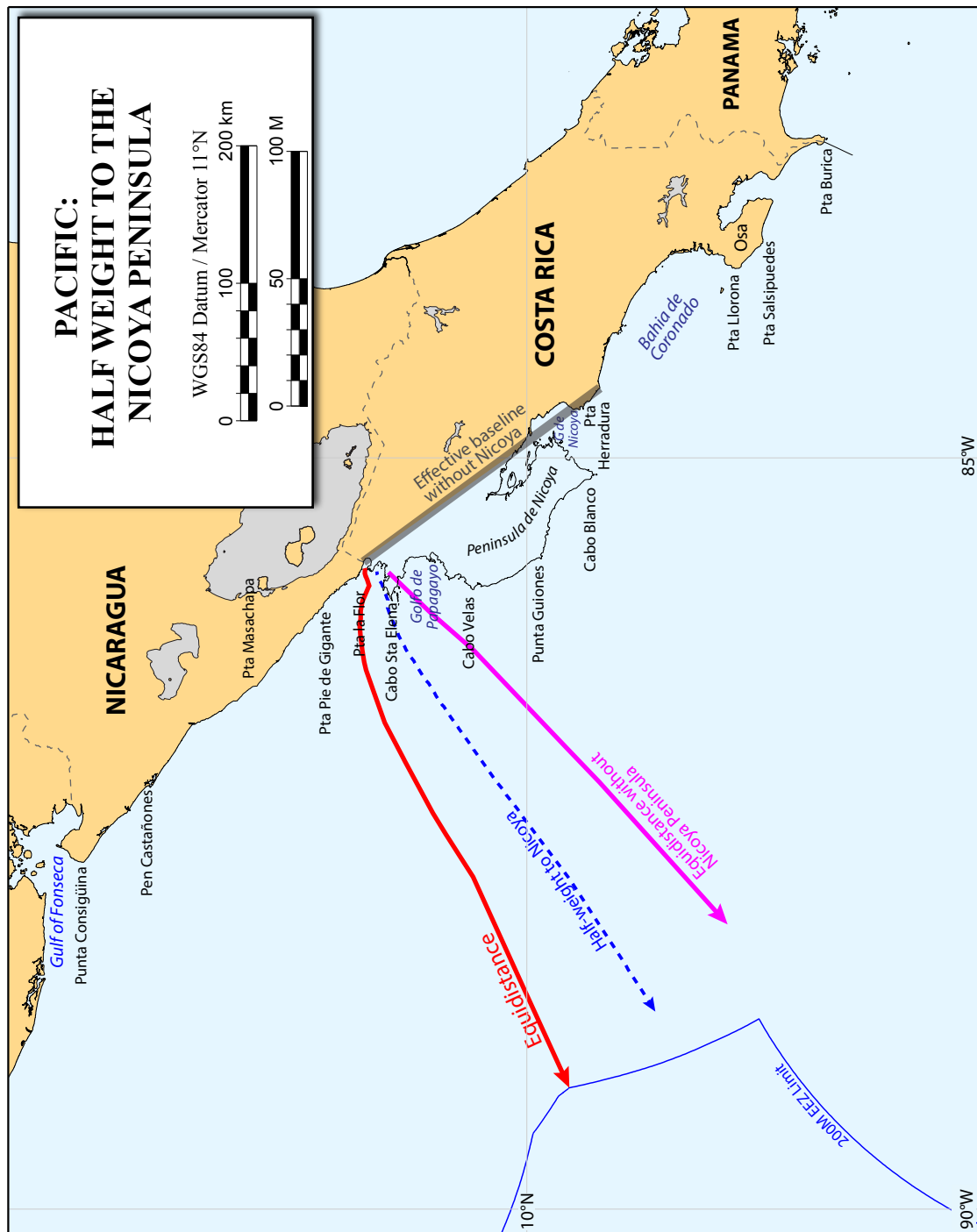


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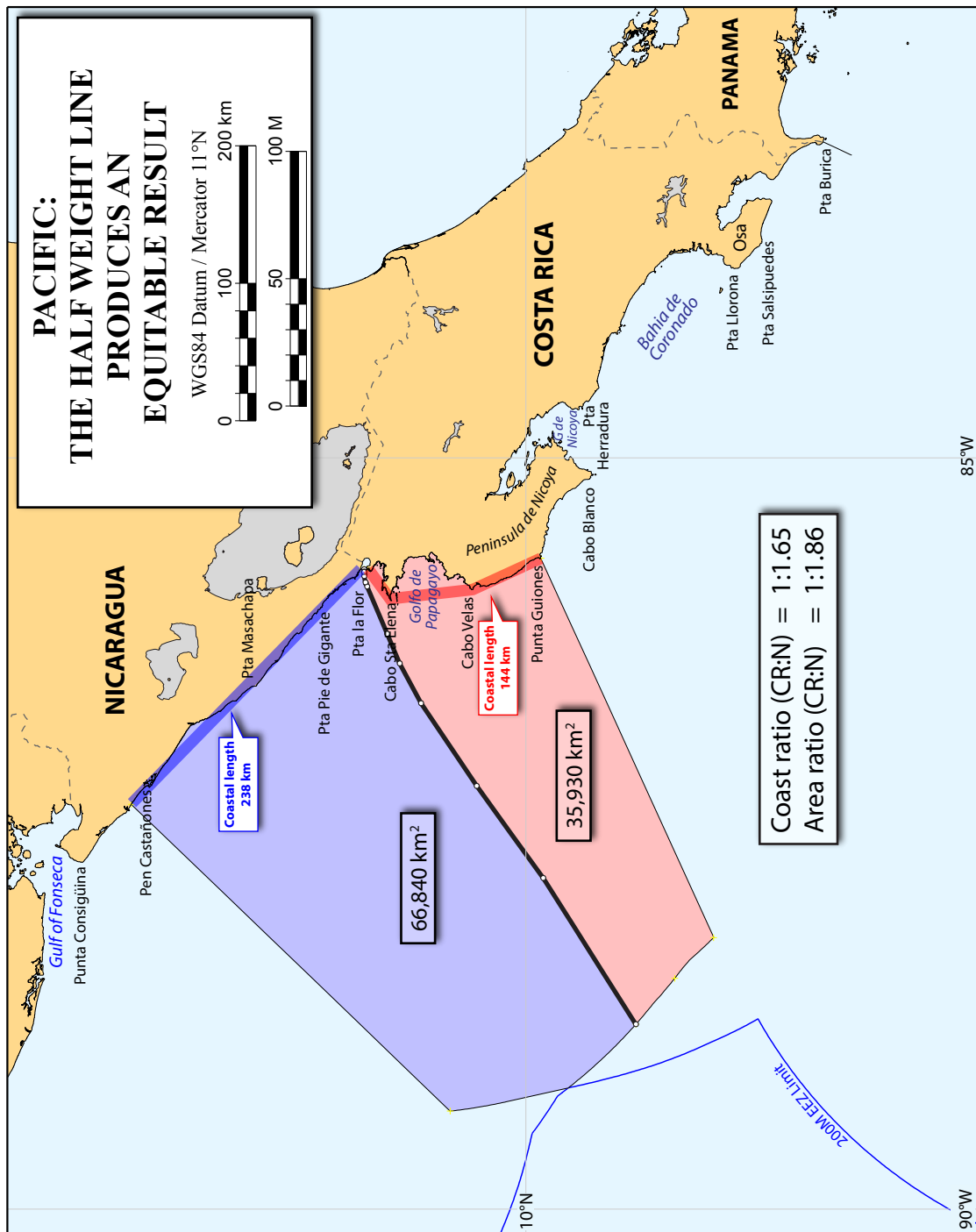


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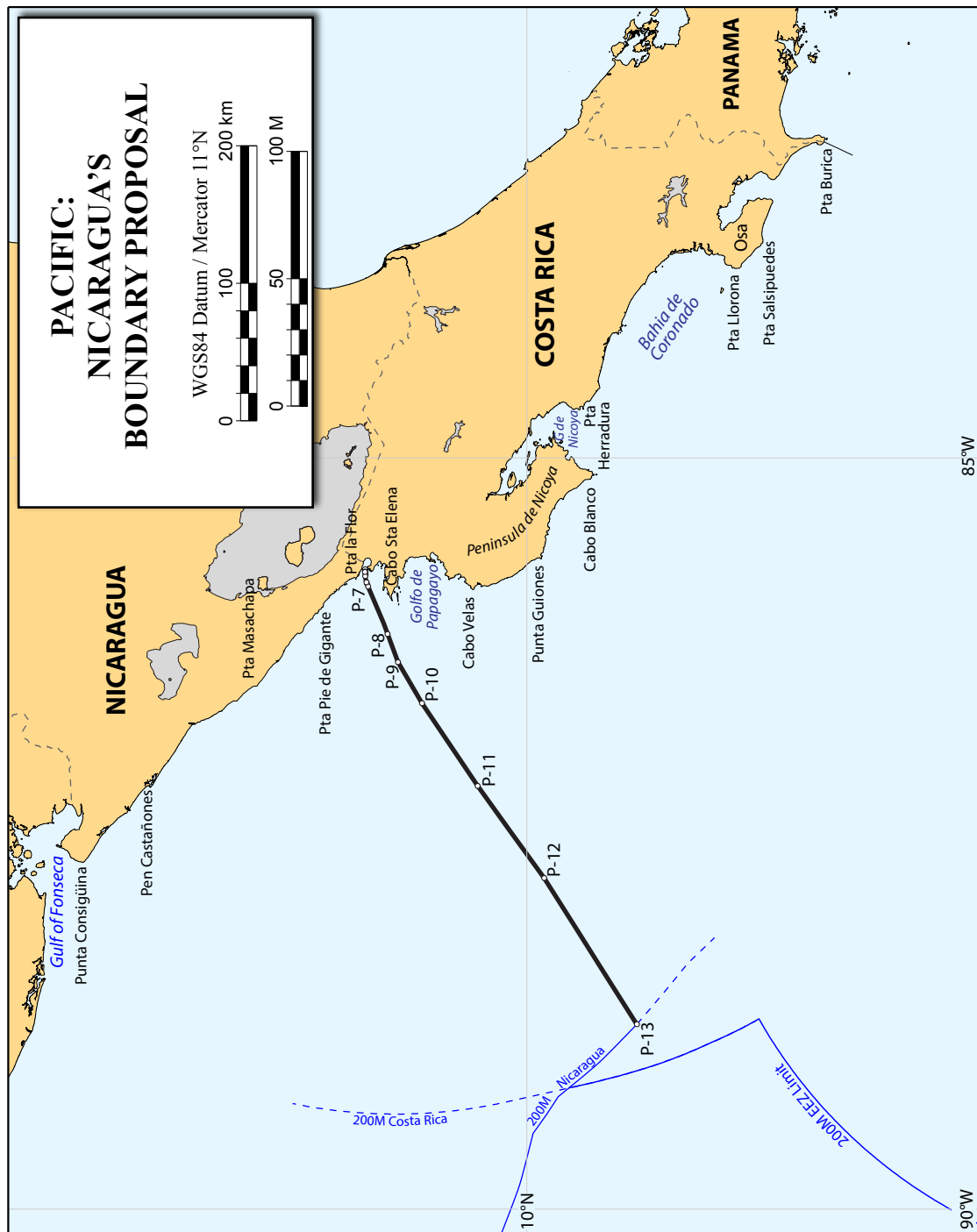


Figure Id-7

ANNEX 29

Figures of the Caribbean Sea

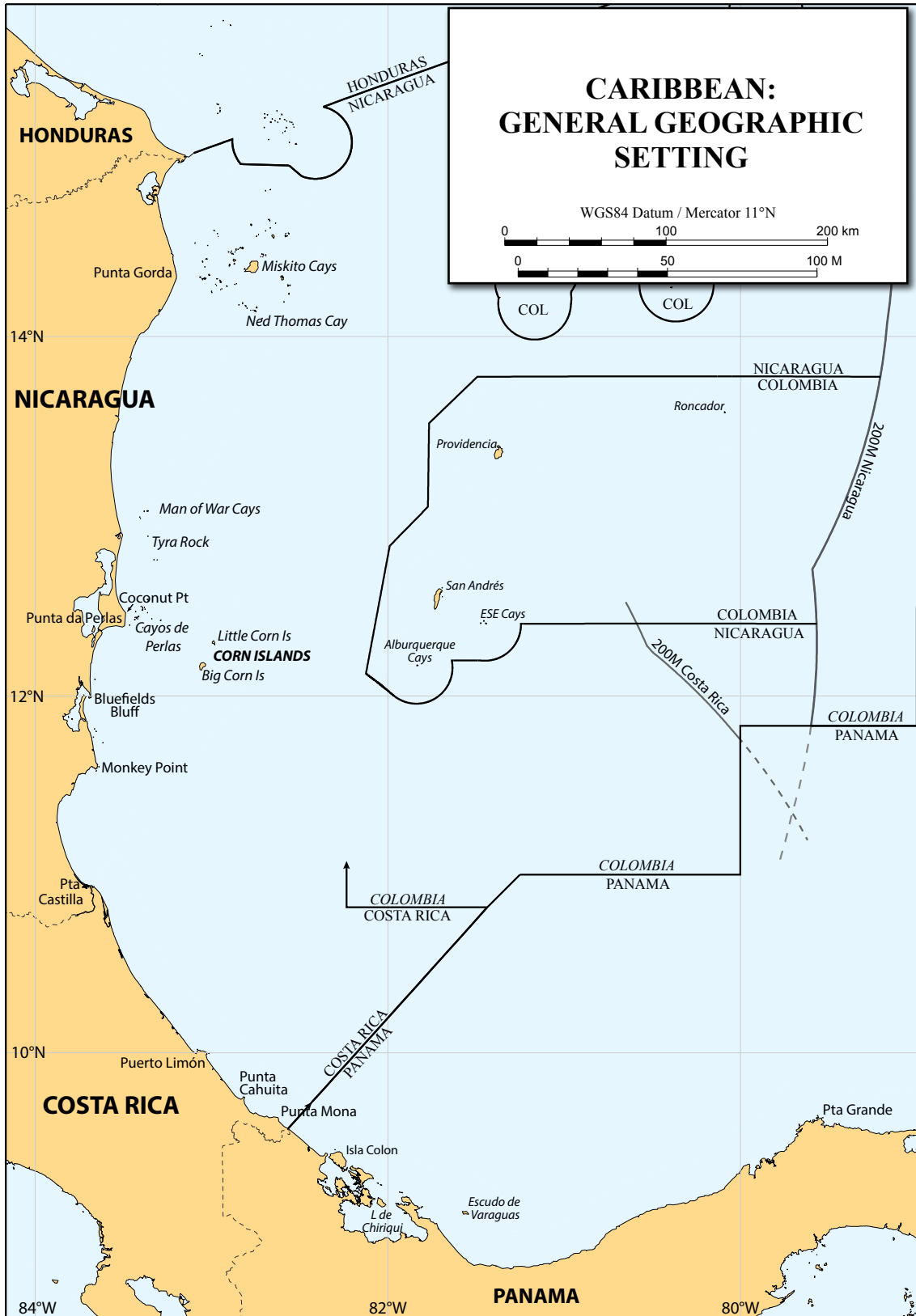


Figure II-a-1



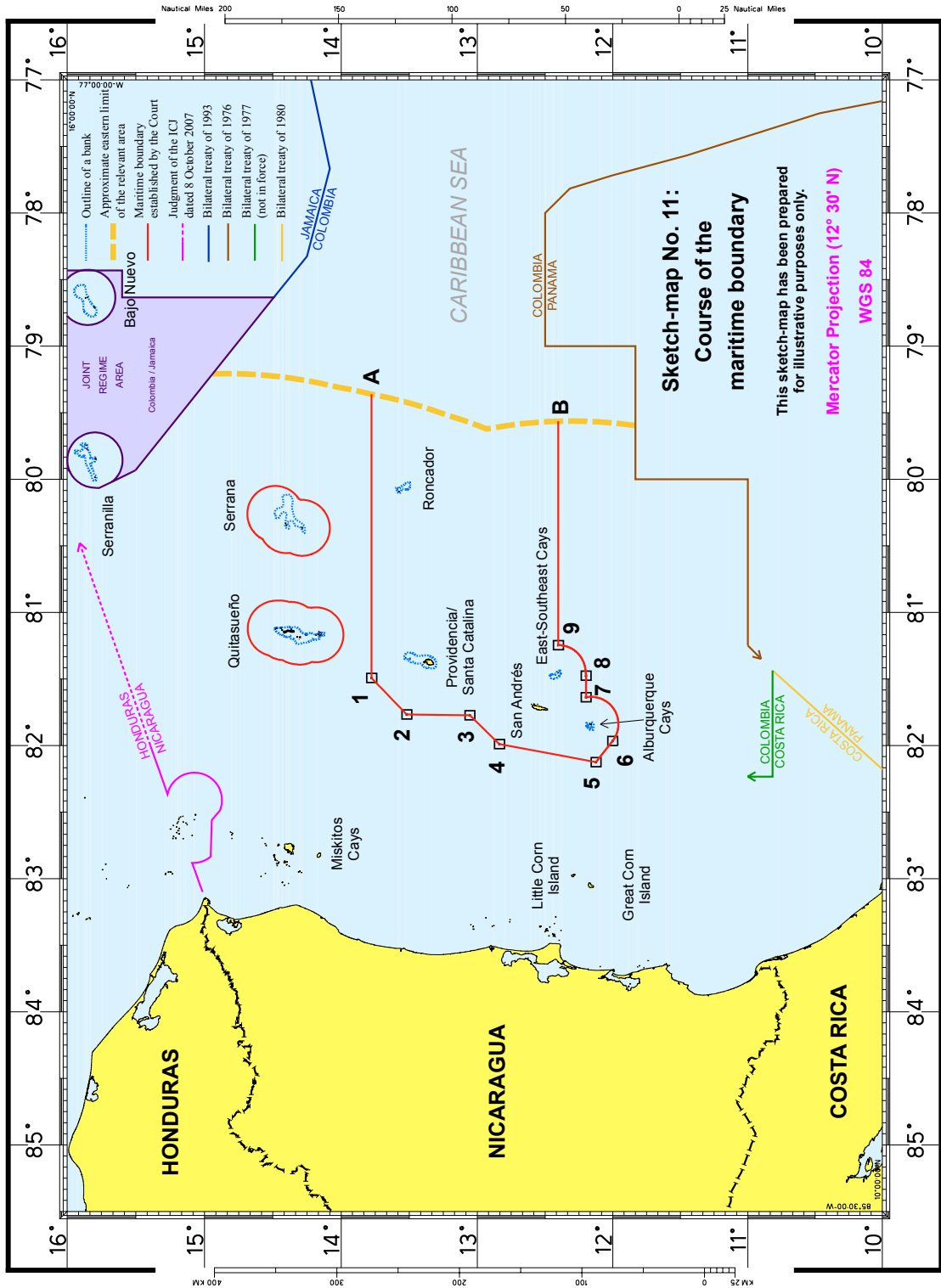
BIG CORN ISLAND

Figure IIa-2



LITTLE CORN ISLAND

Figure IIa-3



Sketch Map 11 from the Court's Judgment in Nicaragua/Colombia Figure IIa-4

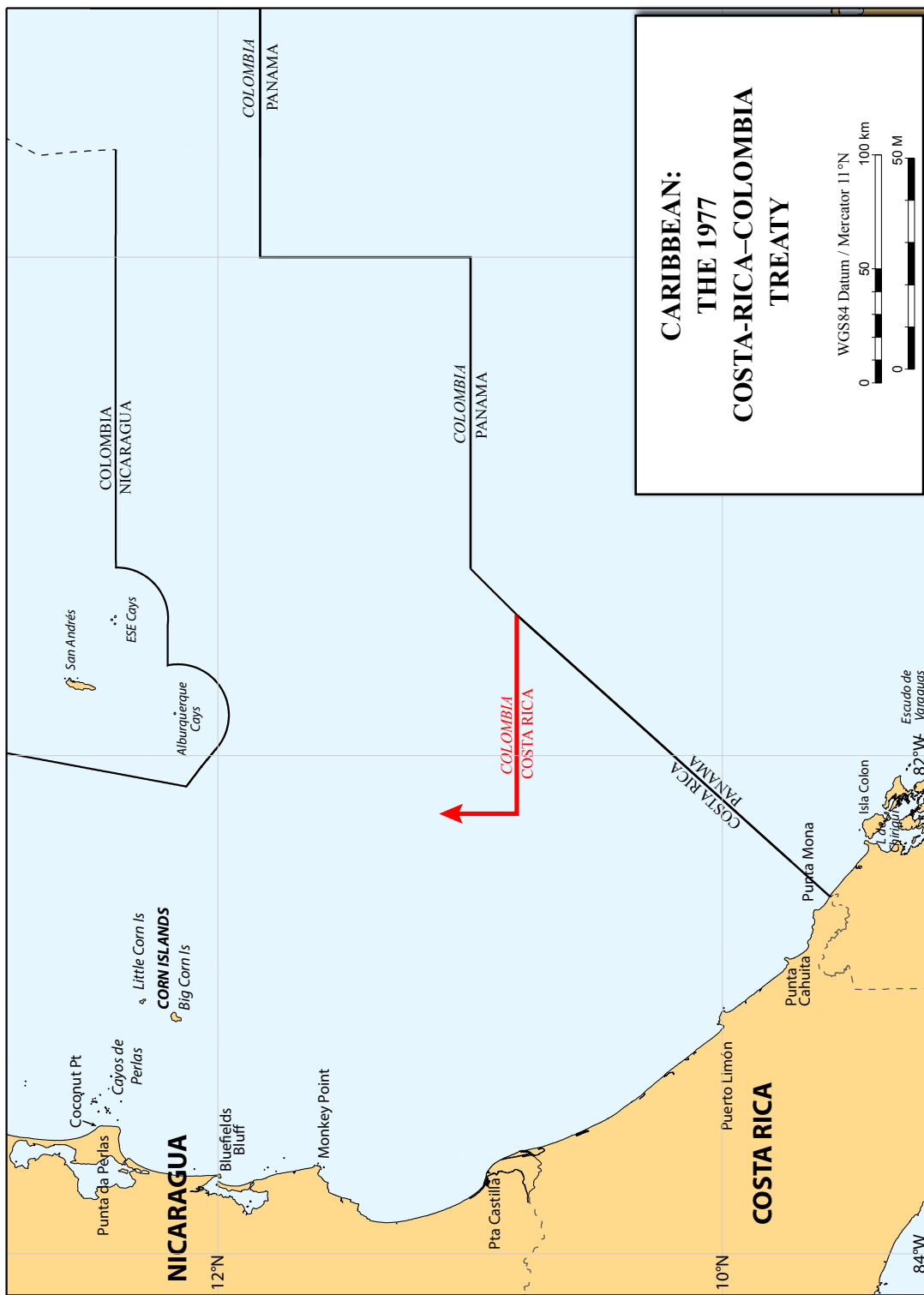
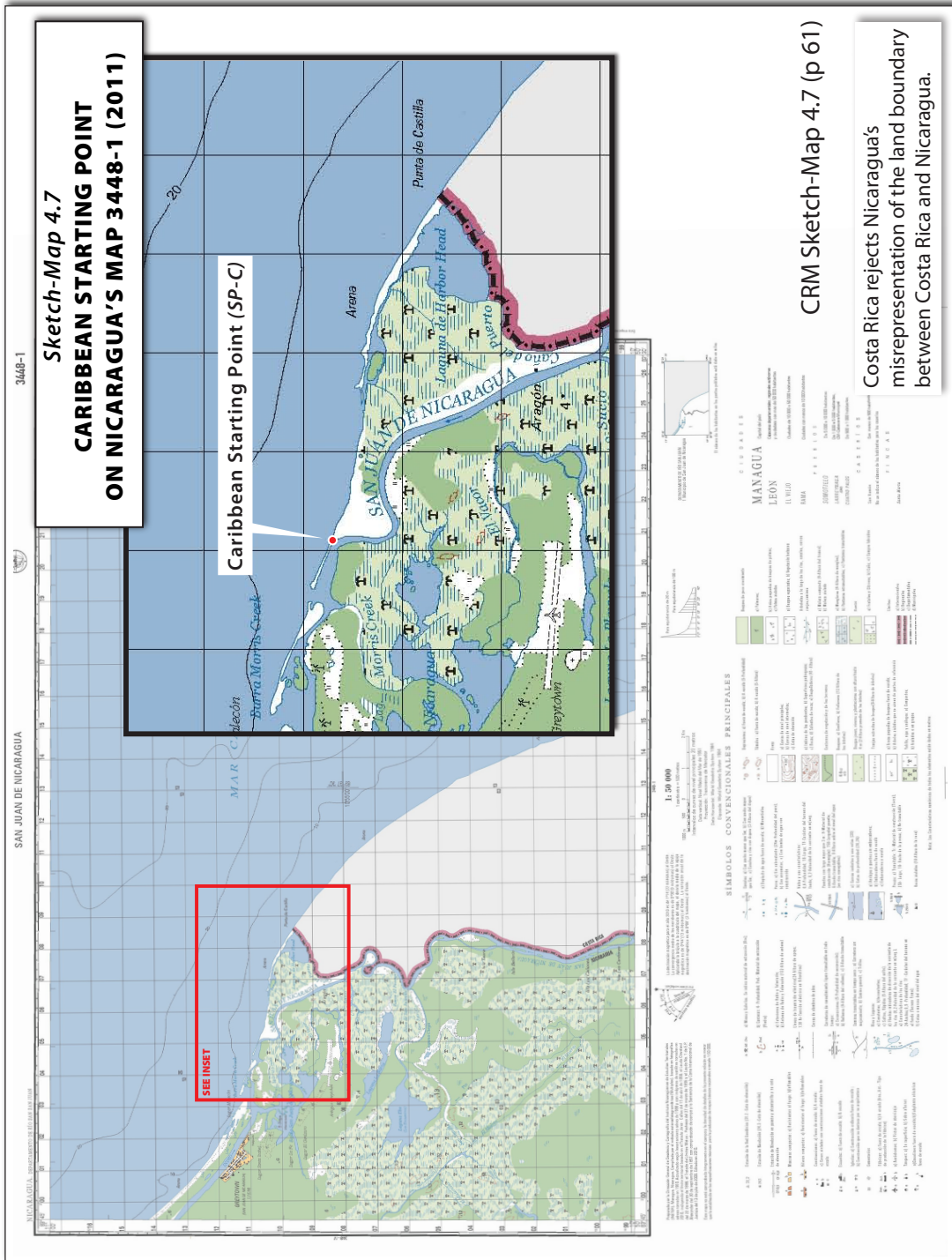
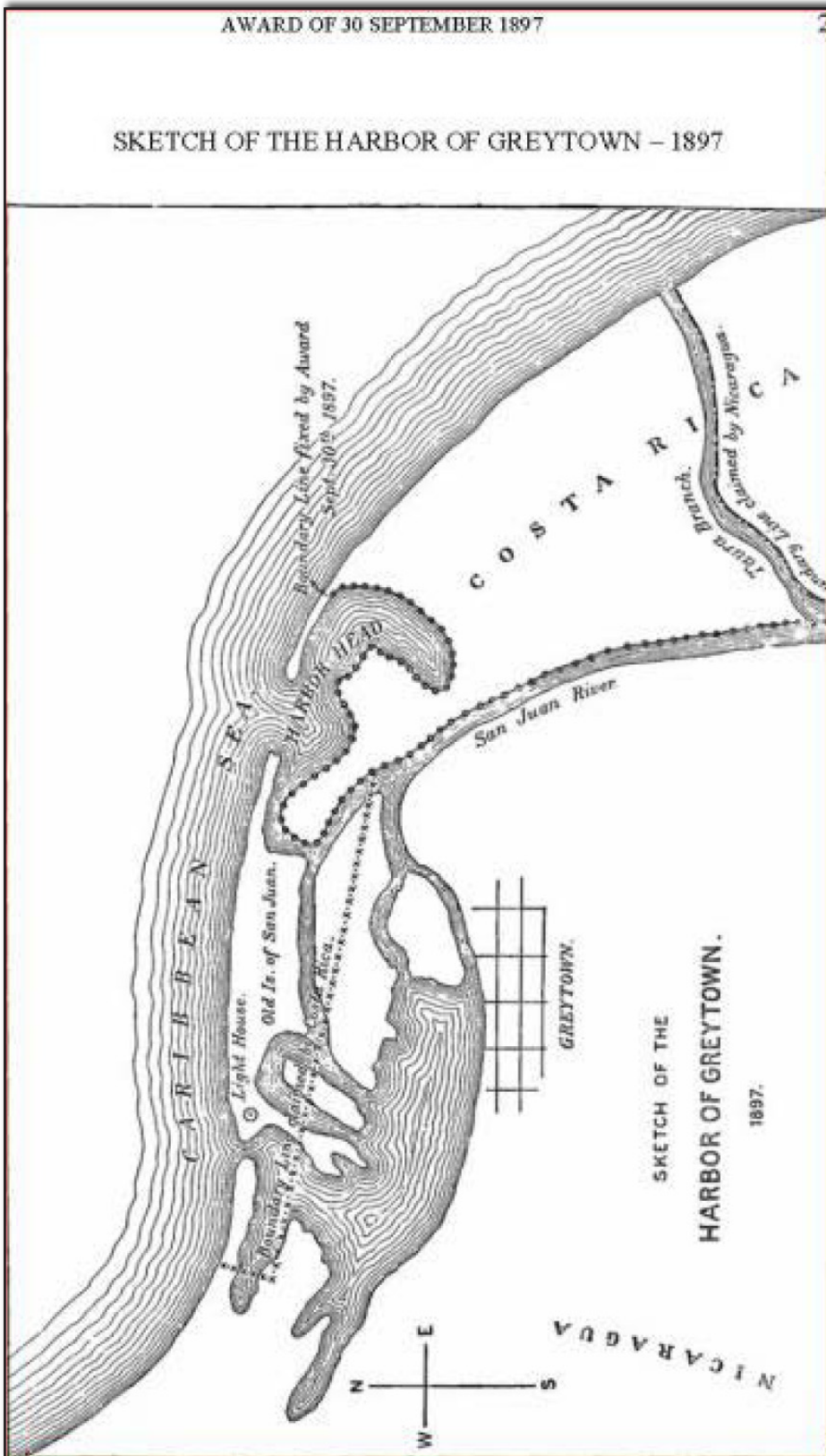


Figure Ila-5



Costa Rica's View of the Starting Point **Figure IIb-1**



Sketch Map from the 1897 Alexander Award
Figure IIb-2

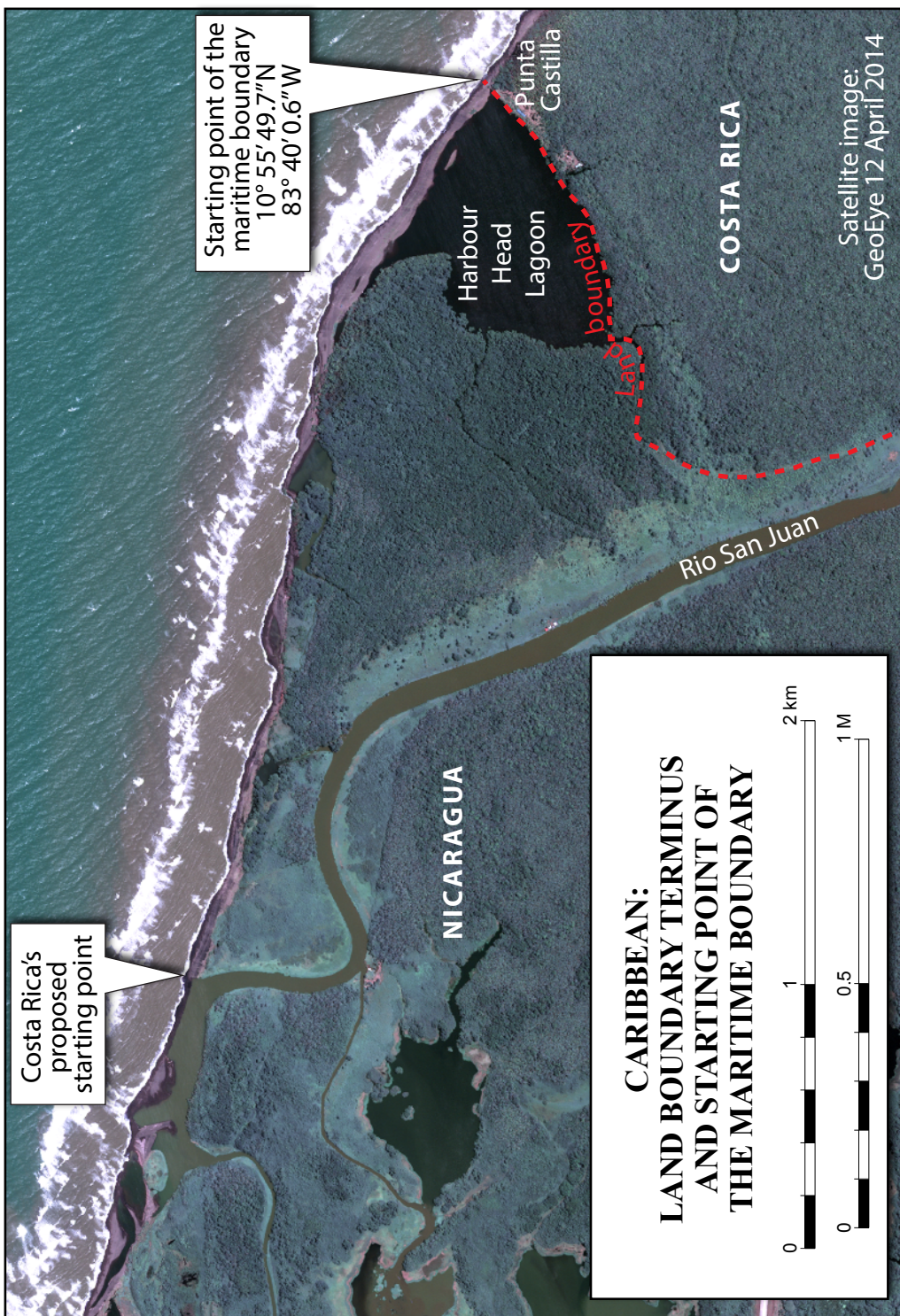


Figure IIb-3

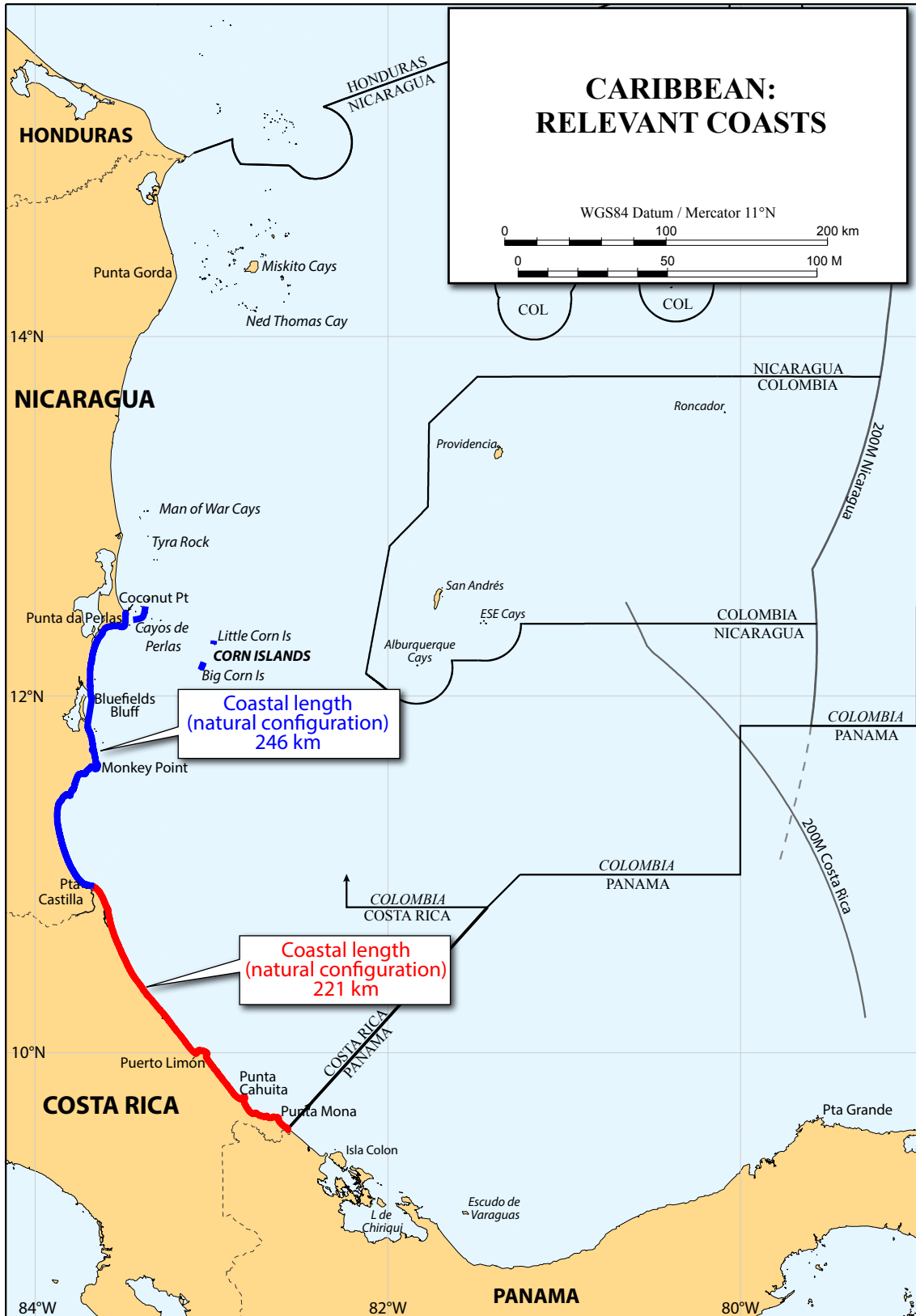


Figure II-1

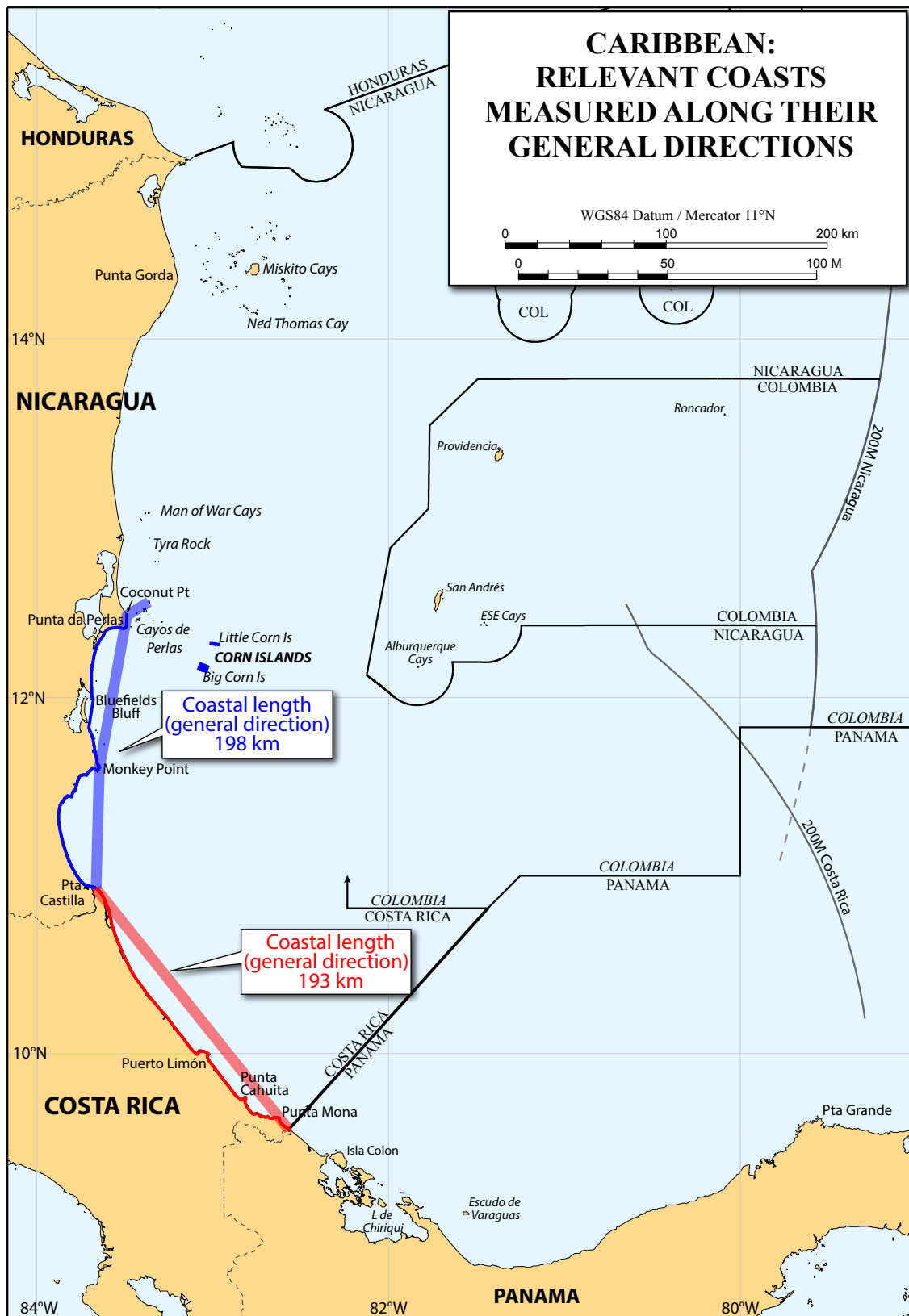


Figure IIc-2

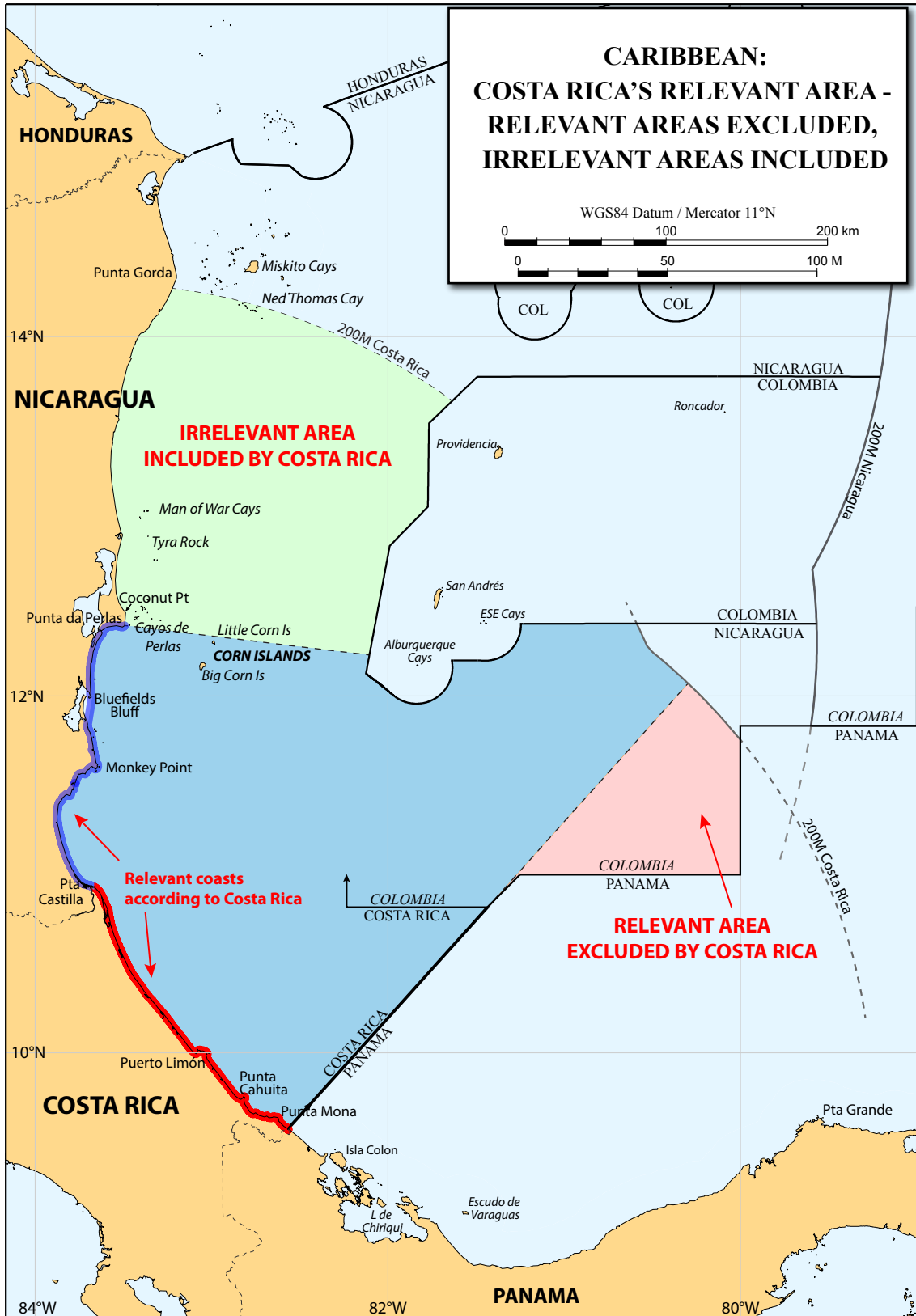


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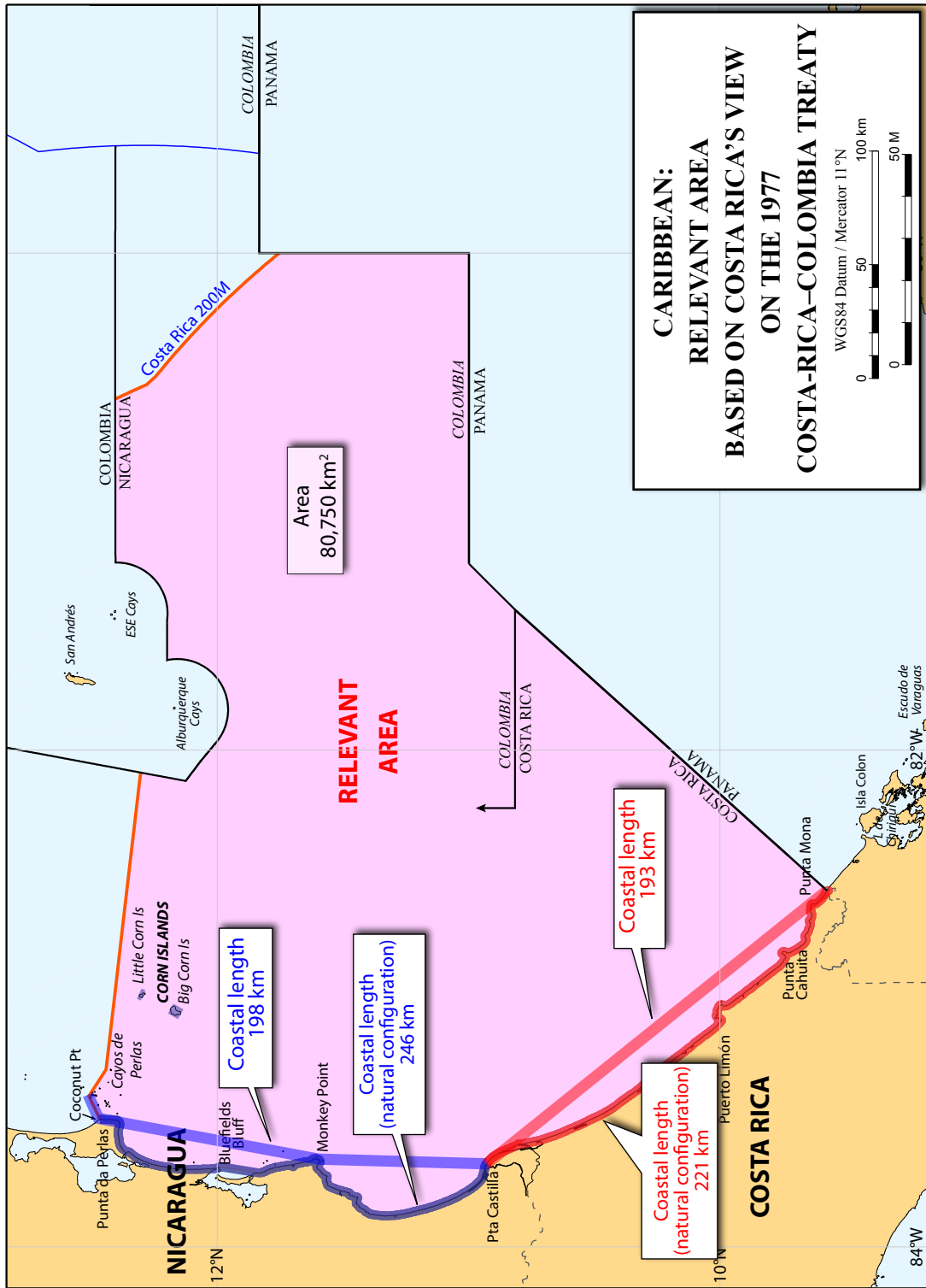


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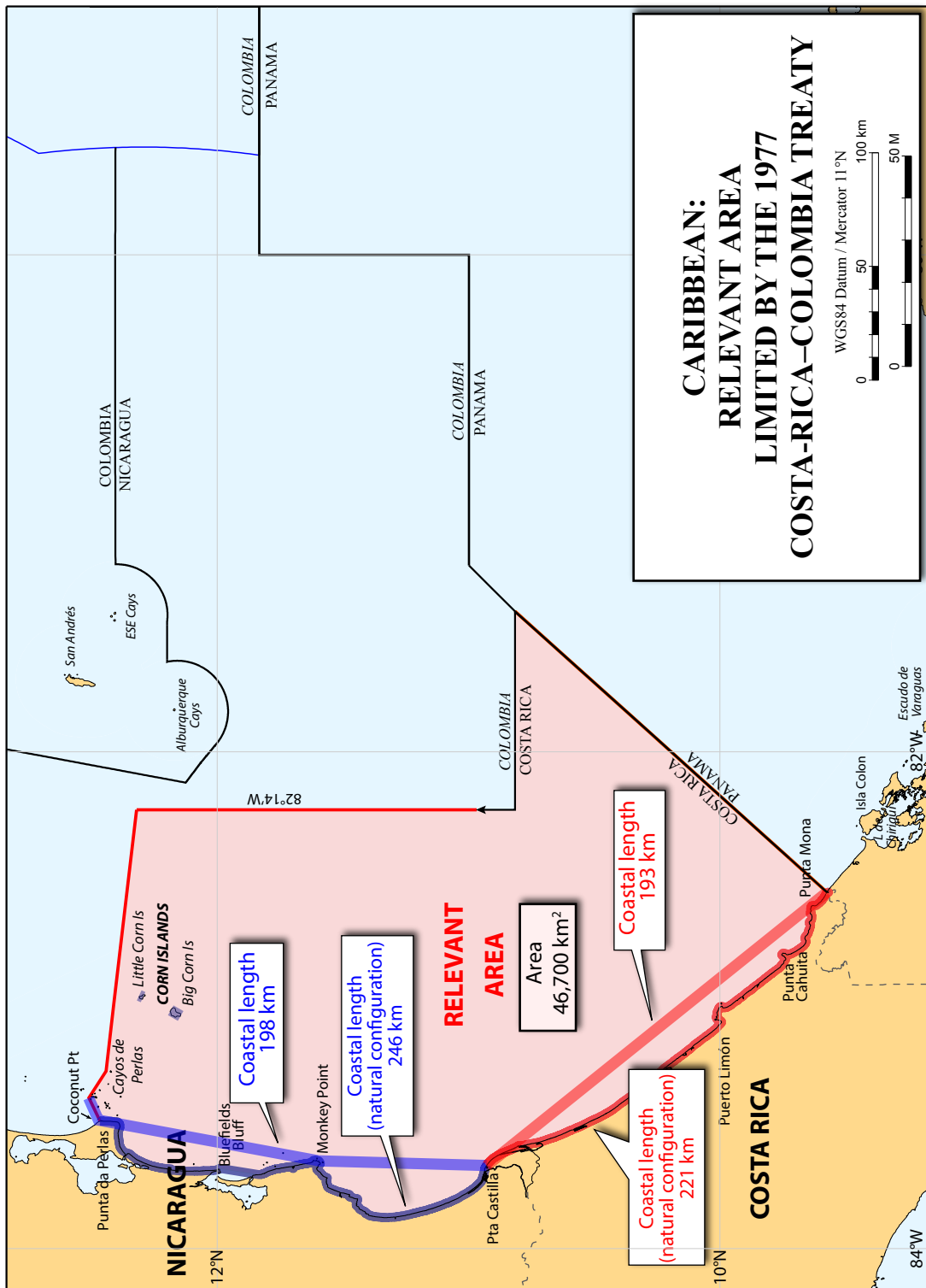


Figure IIc-5

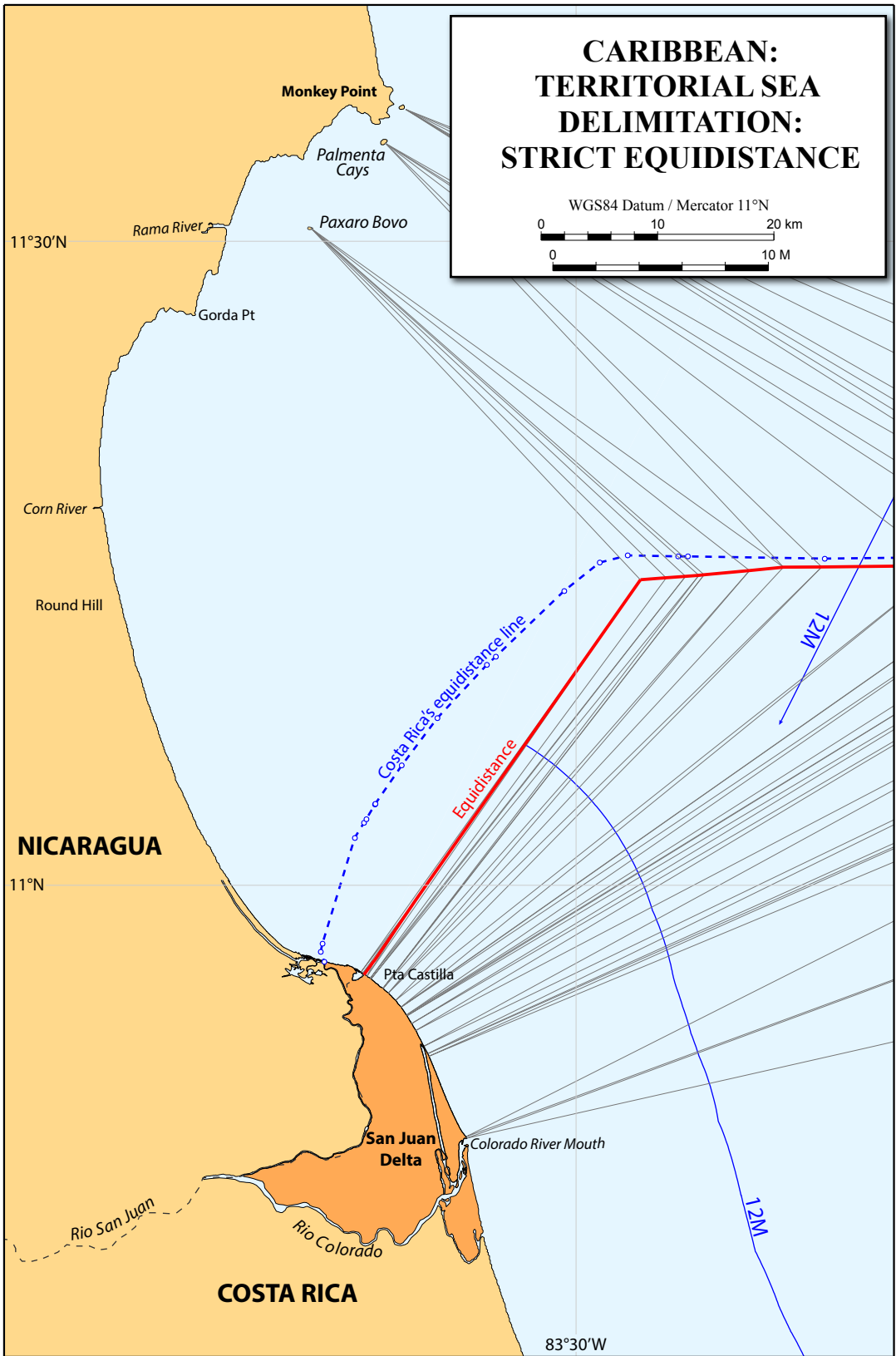


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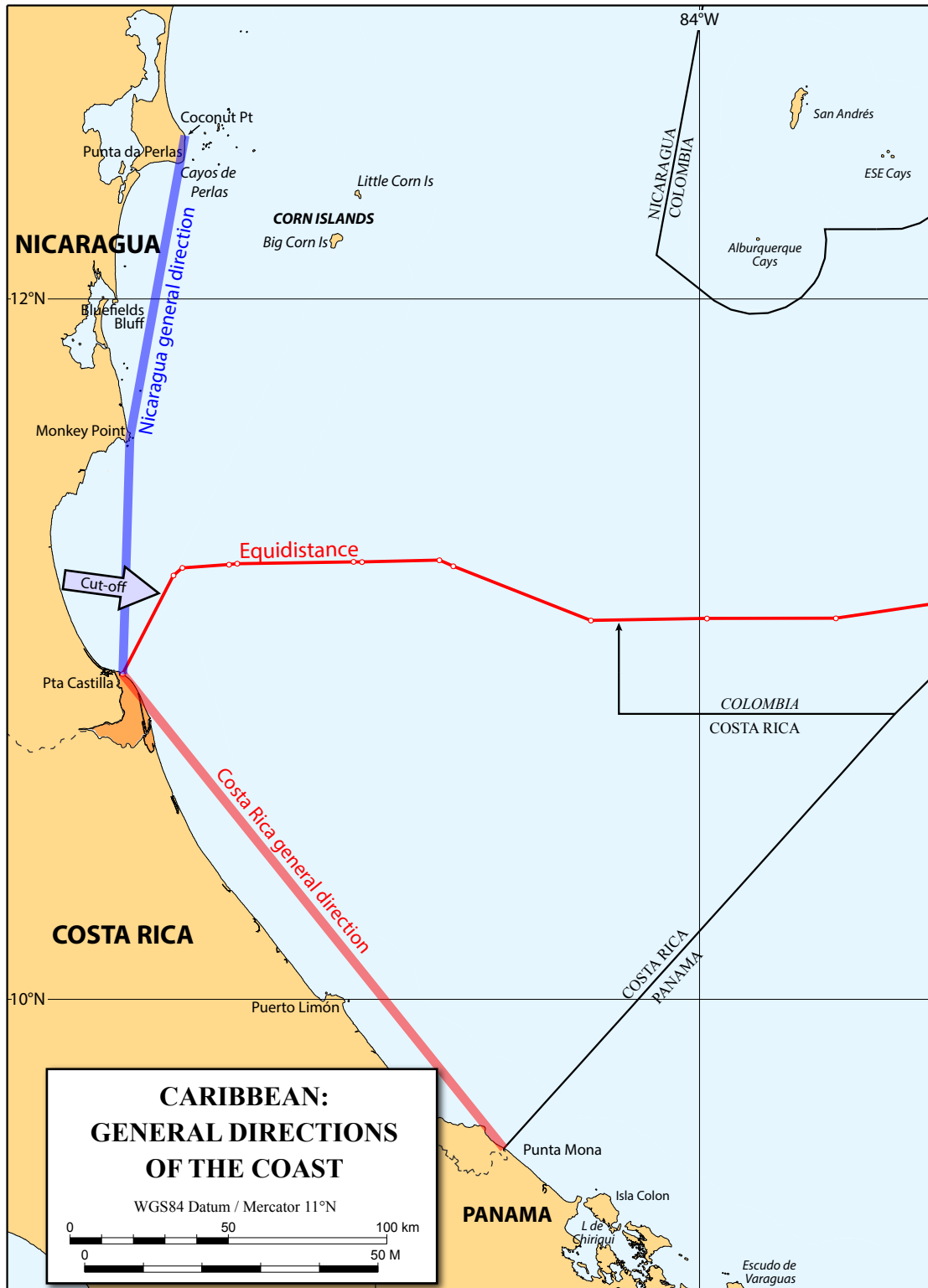


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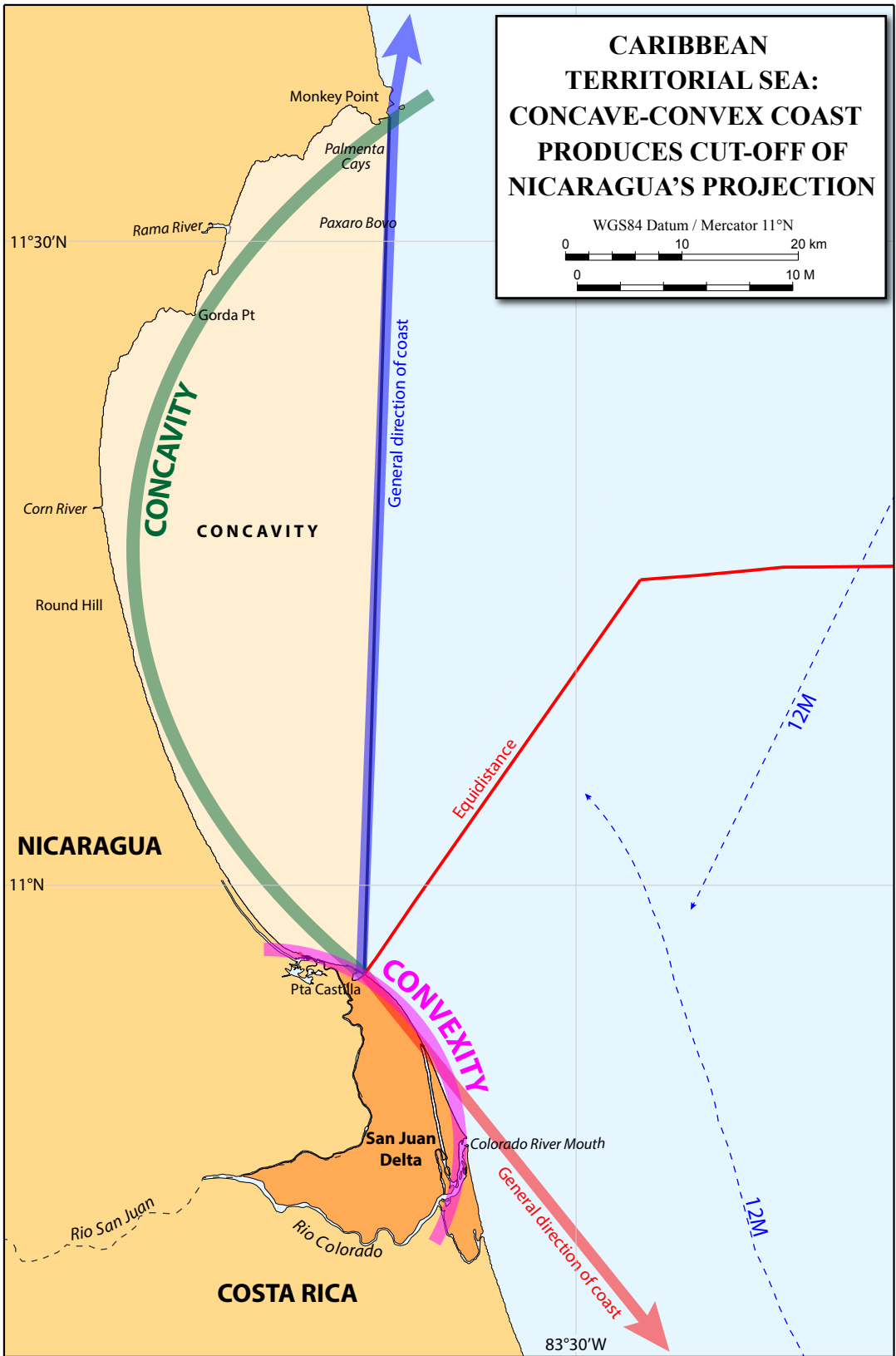


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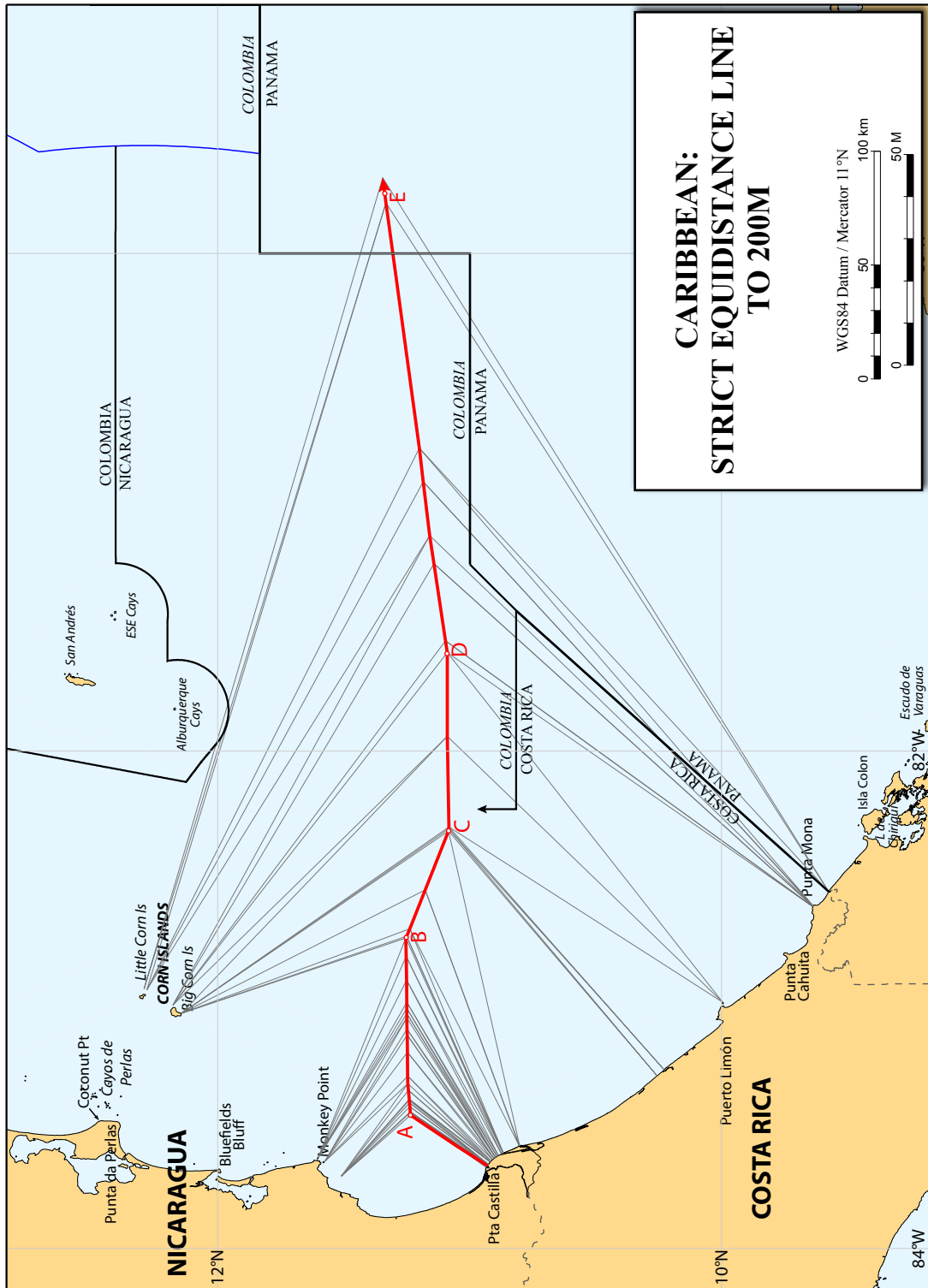


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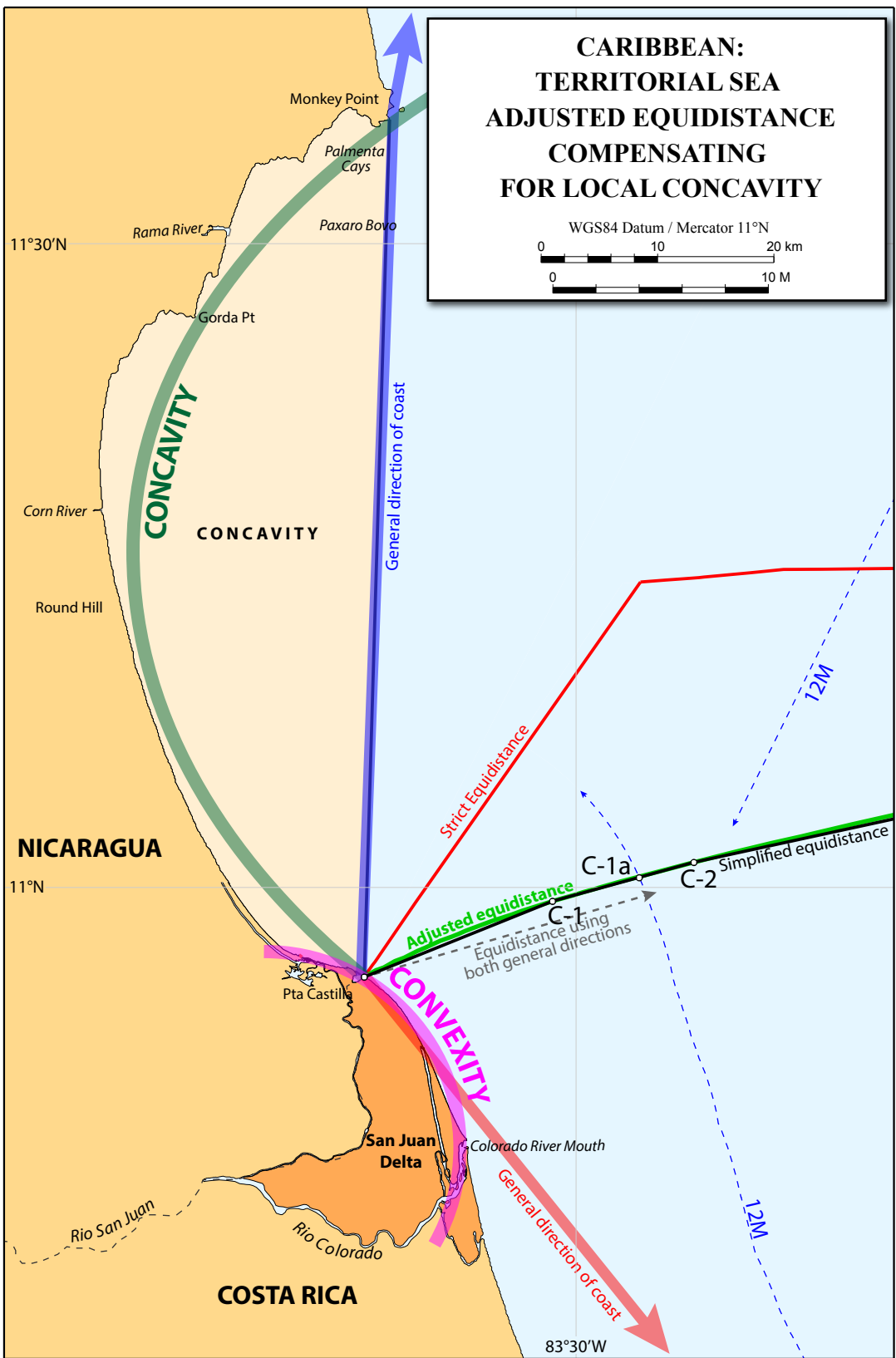


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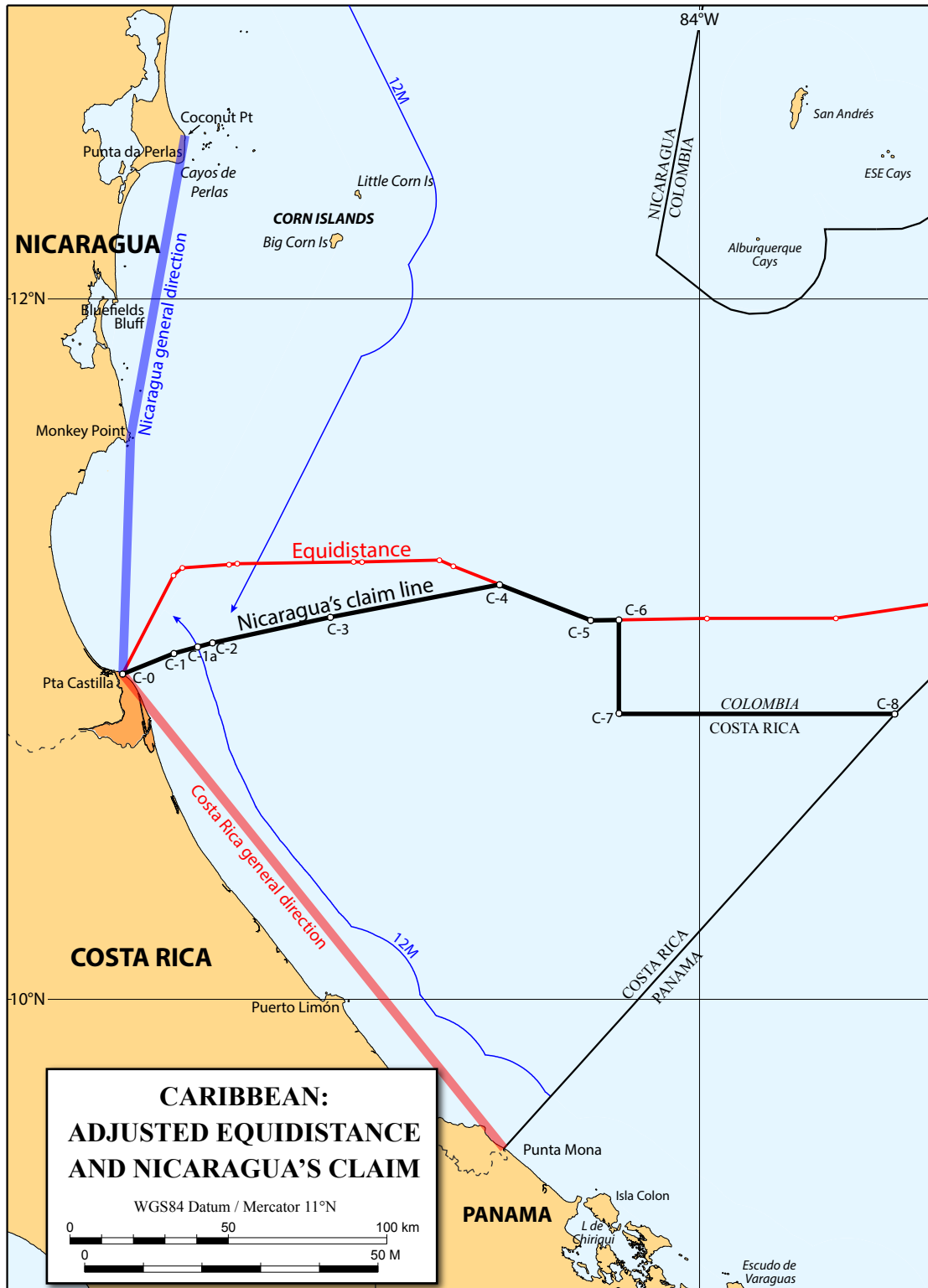


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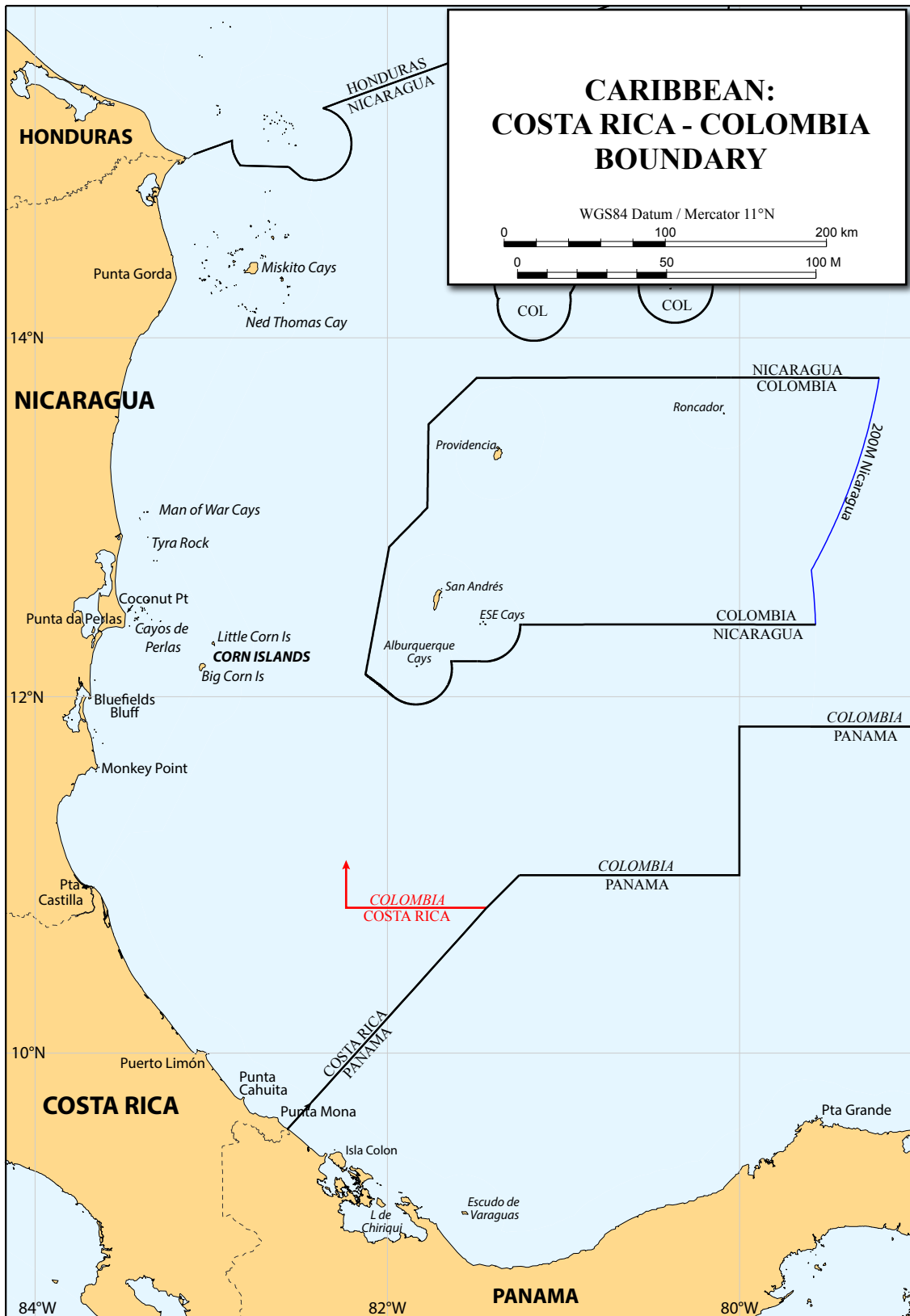


Figure II-1

Alburquerque Cays

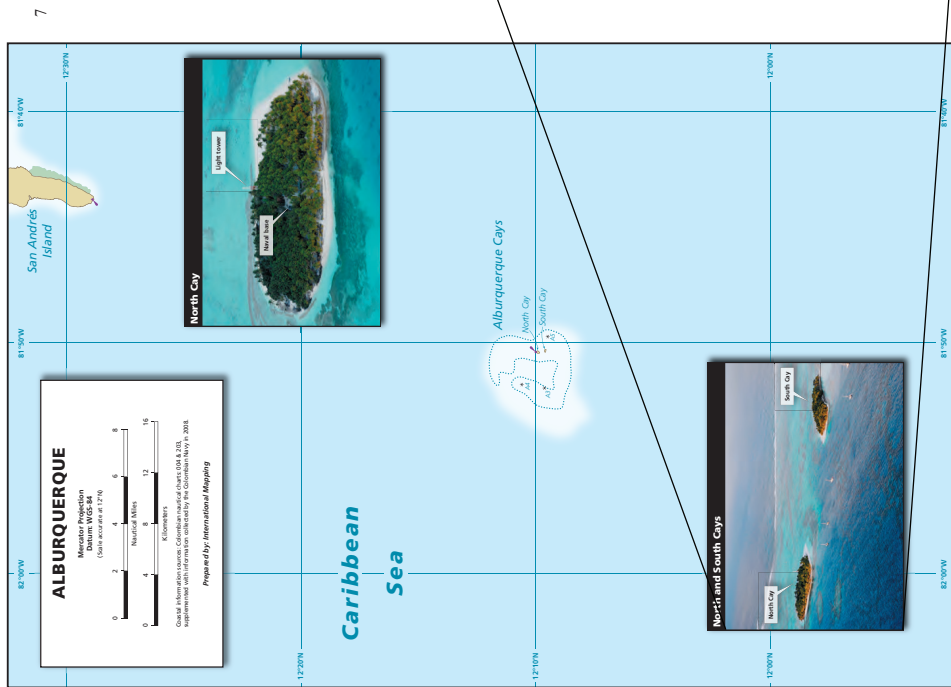


Figure 2.4

Figure from Nicaragua v Colombia
Colombia Counter-Memorial Figure 2.4

Figure IIe-2

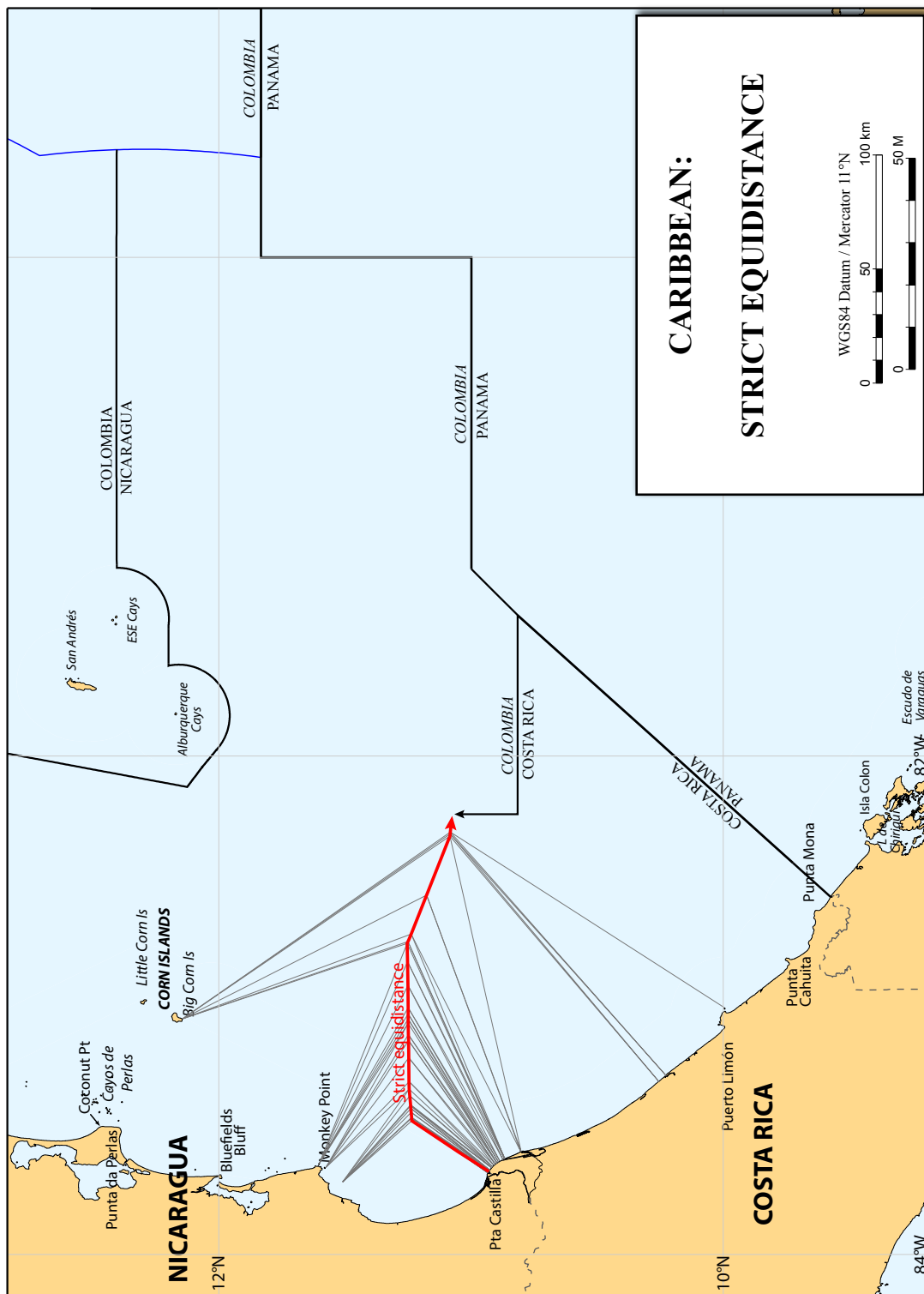


Figure I1e-3

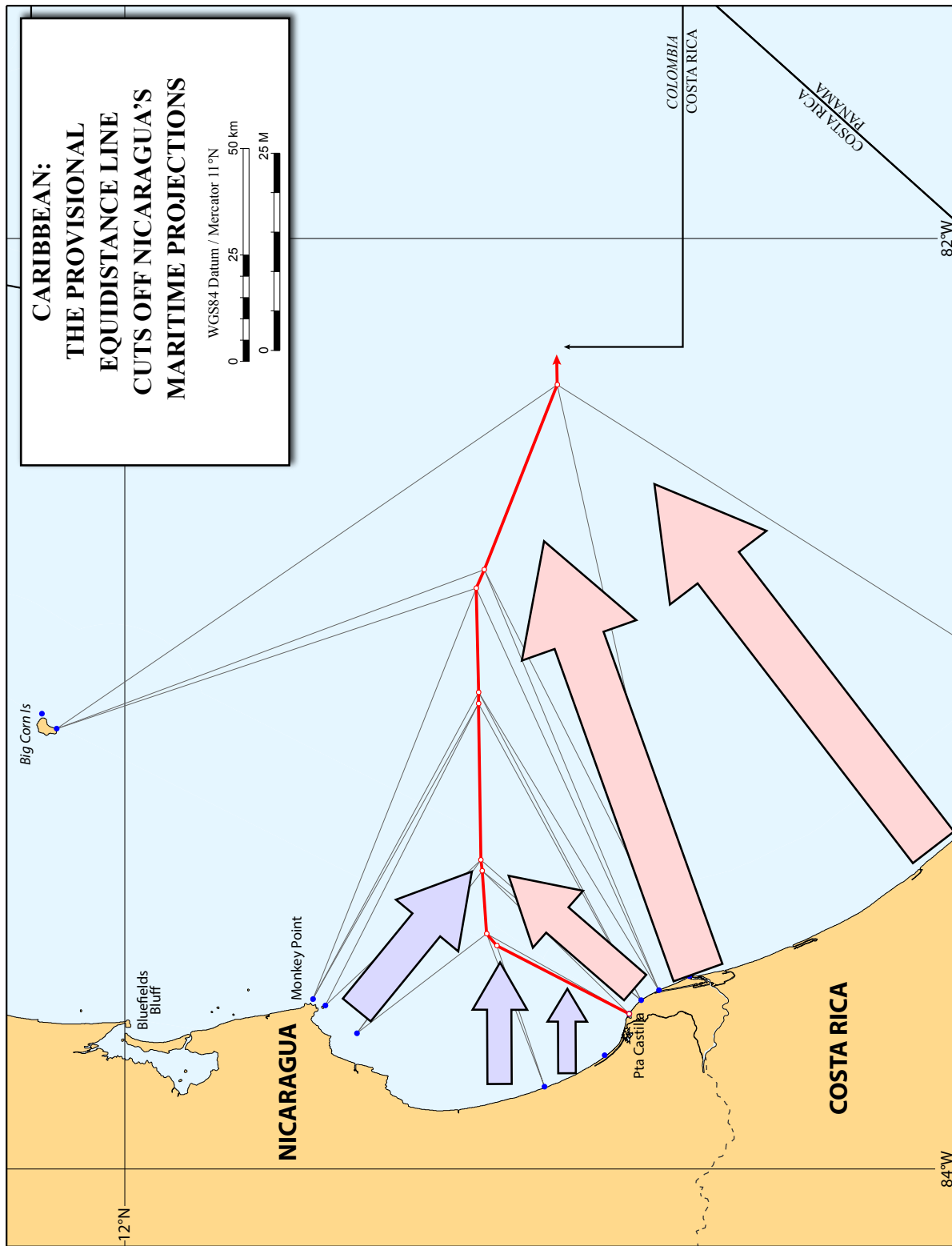


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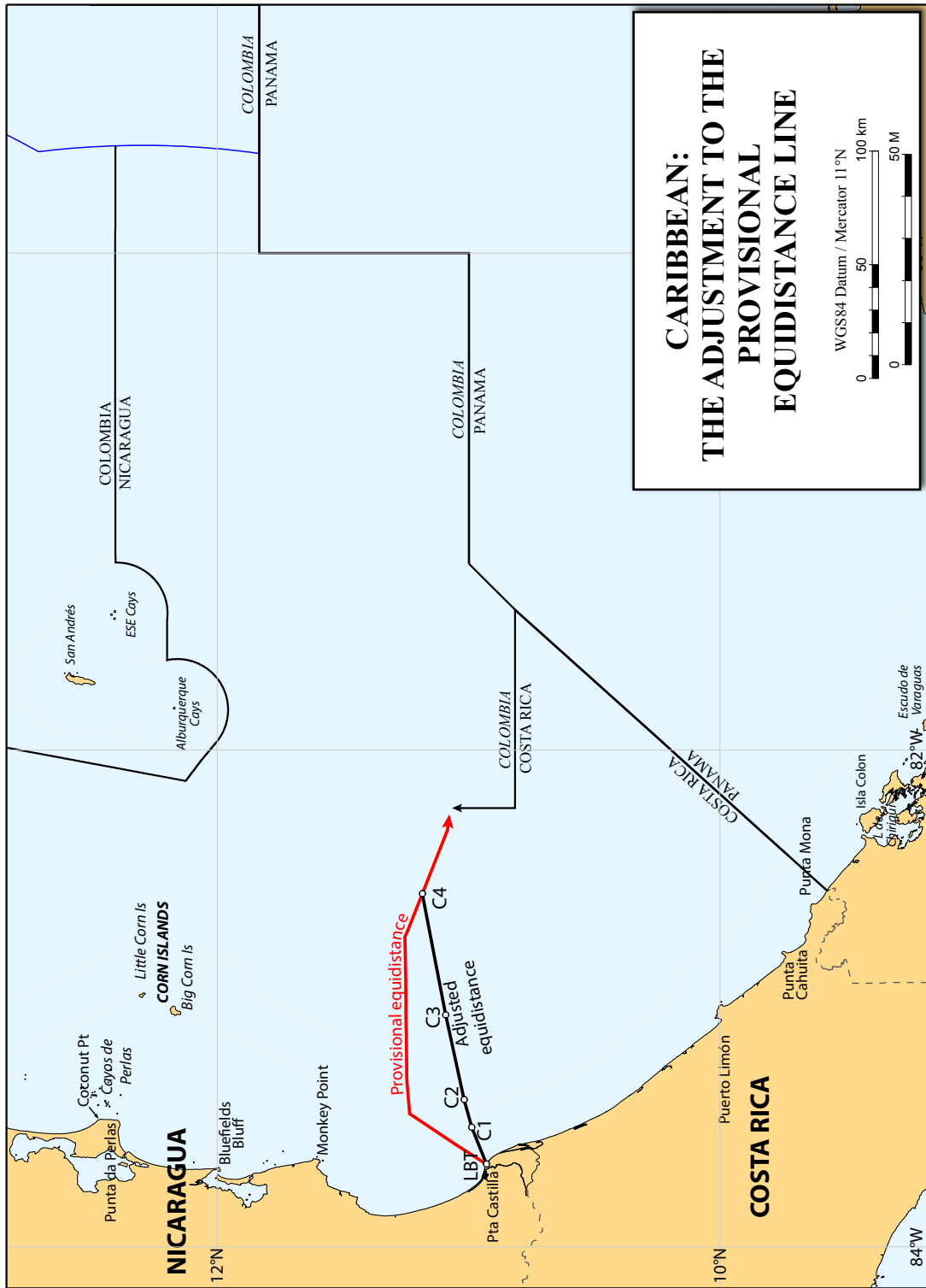


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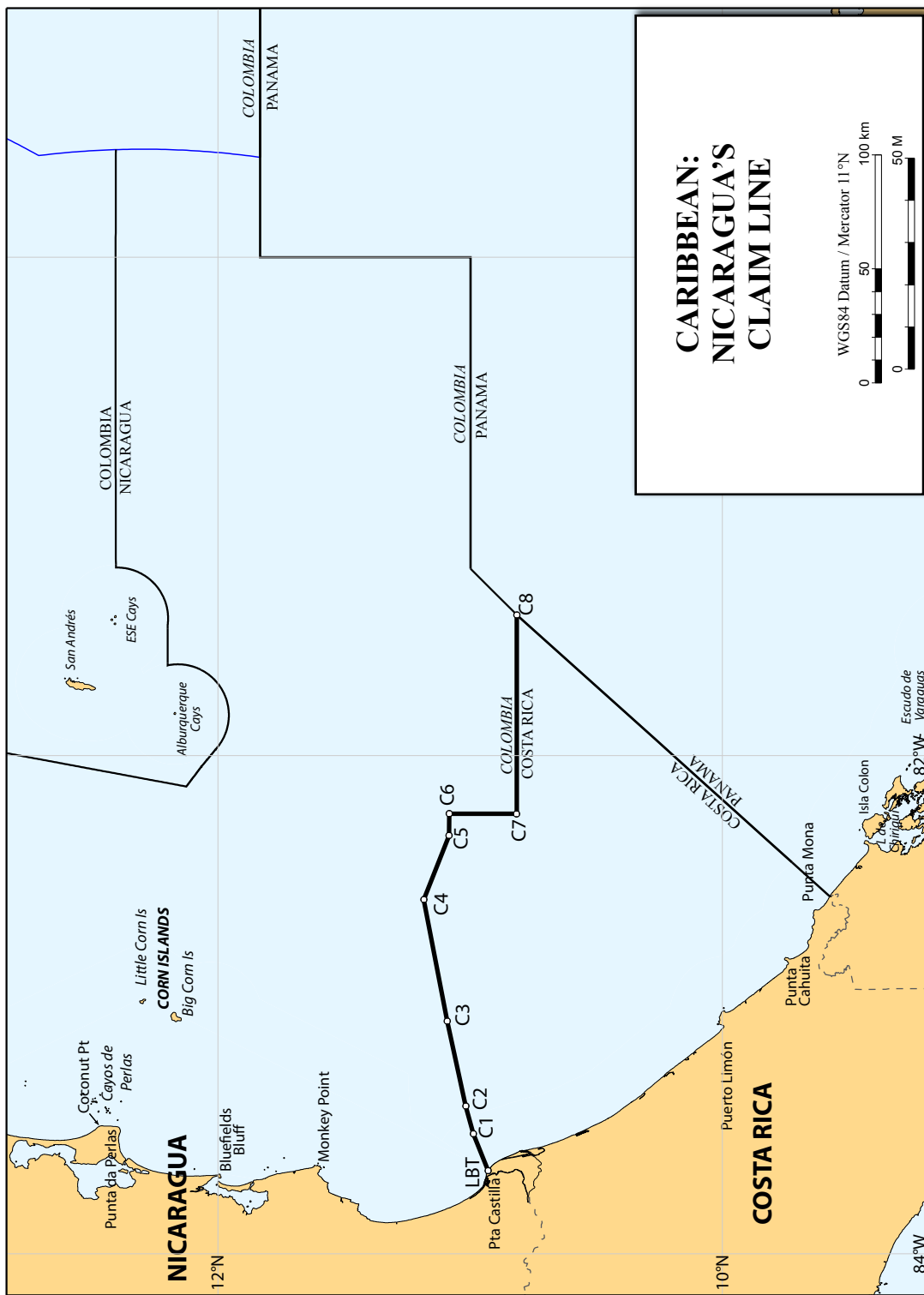


Figure 11e-6

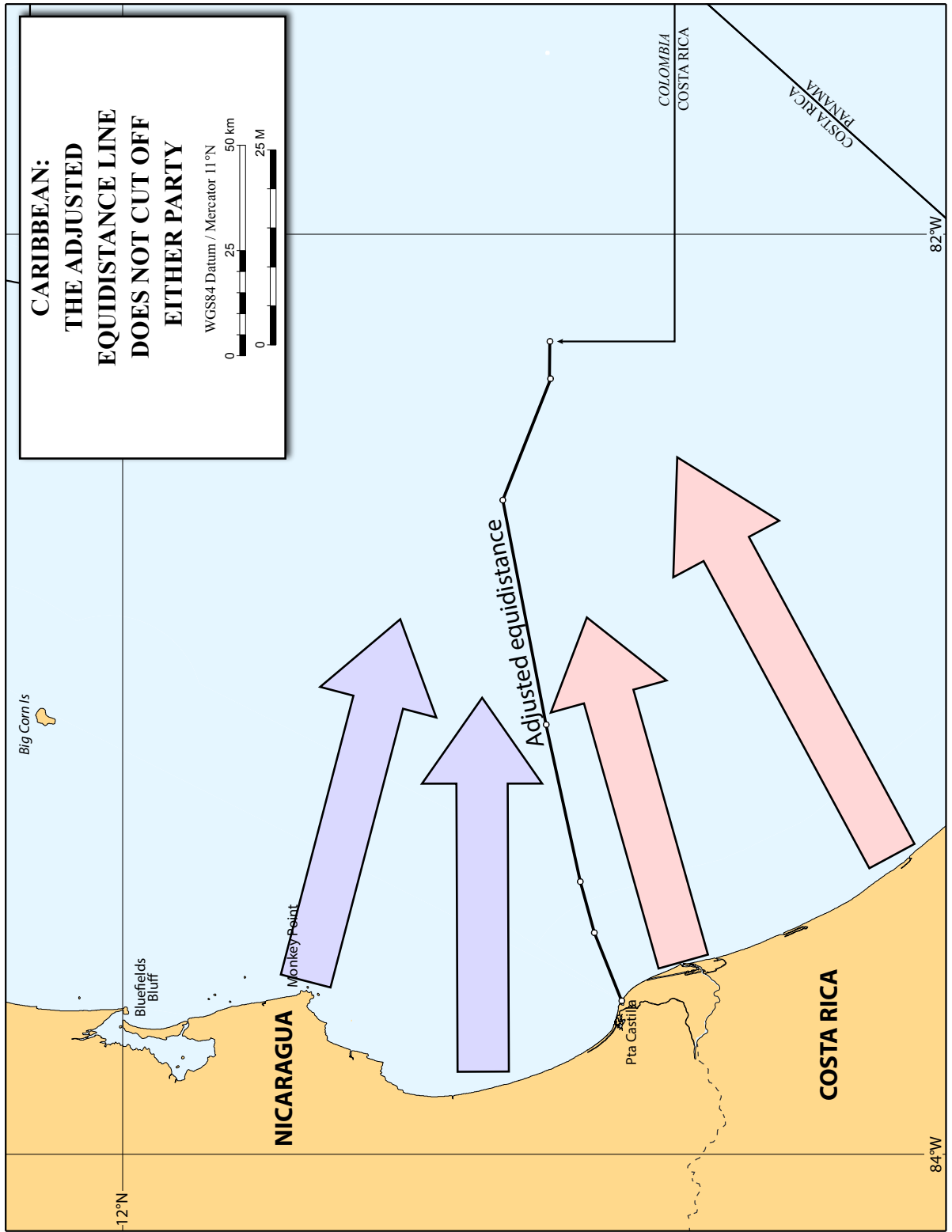


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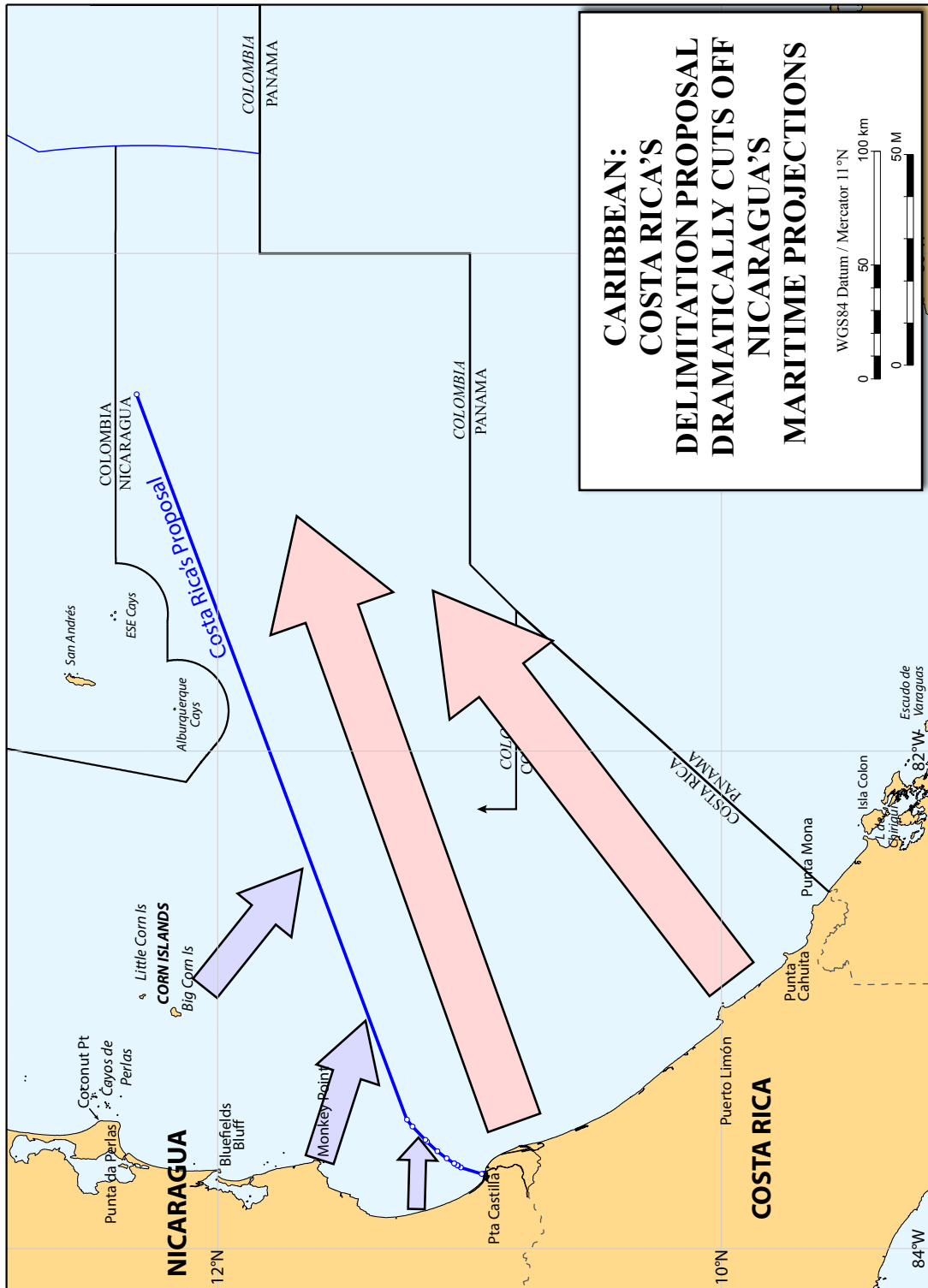


Figure 11e-8

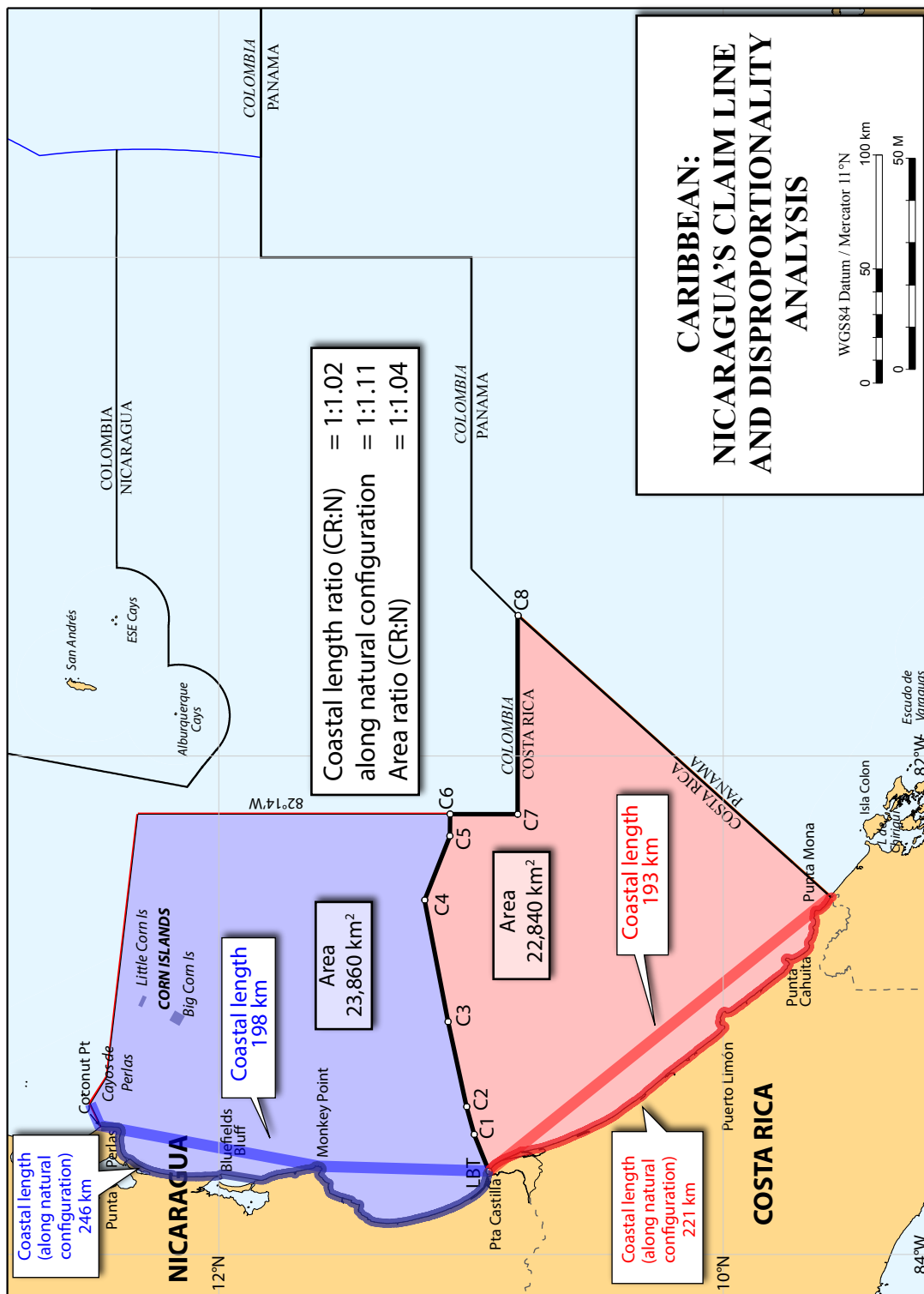


Figure IIe-9