

INTERNATIONAL COURT OF JUSTICE

**DISPUTE CONCERNING
NAVIGATIONAL AND RELATED RIGHTS**

(COSTA RICA *v.* NICARAGUA)

MEMORIAL OF COSTA RICA



VOLUME 5

(Annexes 110 to 192)

29 August 2006

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Annex 110

“Sandinista guards attack Costa Ricans”, in *La Nación*,
San José, 6 November 1980

TRANSLATION

SANDINISTA GUARDS ATTACK COSTA RICANS

LA NACION, San José, 6 November, 1980

Sandinista guards, in a post of the San Juan River, situated in the zone of the mouth of the Sarapiquí, perpetrated last Thursday a fourth attack, firing their submachine guns at Costa Rican employees of the Ministry of Health, who were navigating in Costa Rican territorial waters.

The three previous attacks had not transcended the public opinion, despite there being a diplomatic complaint from the Costa Rican Foreign Ministry towards the neighbouring country's consul, which did not yield positive results.

Yesterday, the Government of Costa Rica presented a formal protest to the Government of Nicaragua, through its Ambassador in San José, Javier Chamorro. This protest clearly specified that this is due to "the series of events which my Government feels that endanger our sovereignty and national safety".

At the same time, the diplomatic note, signed by Lic. Bernd Niehaus, asks for a satisfactory explanation at the utmost brevity, and asks, in order to maintain cordial relations, to instruct military authorities of the region to respect free navigation in the San Juan River, as stipulated in standing agreements.

The account of the events, included in the Costa Rican protest, is as follows:

"This morning, the President of the Republic, Lic. Rodrigo Carazo, and the undersigned, were informed in detail by the Minister of Health, Dr. Carmelo Calvosa, that once again, members of the Sandinista Army of Nicaragua, posted in the San Juan River, exactly at the confluence with the Sarapiquí, on November 4th, fired their submachine guns at a vessel from the Ministry of Public Health of Costa Rica, with officials from that bureau, among which where Mr. Eduardo Carrillo, administrative director, a.i., and Dr. Calderón. They almost lost their lives in the shooting, which came from Nicaraguan territory, and while this vessel was on a routine medical mission, sailing up the right margin of the San Juan River, in Costa Rican waters."

Miscellaneous

I regret to inform Your Excellency that this unpleasant event is not the first of its kind. On October 10th, 17th, and 24th, other medical missions from the above-mentioned Ministry were attacked by Sandinista forces, and even the Director of the local school has said that the children won't go out during recess, from fear of being demolished in one of the continuous shootings, that these elements unjustifiably cause."

"I must say, Your Excellency, that the medical assistance offered in the zone is not only for the benefit of Costa Ricans, but also for Nicaraguans. Sixty per cent of their population benefit from these services, which not only include the presence of doctors, orthodontists, and nurses, but also personnel from the national program for the eradication of malaria."

"The Government of the Republic, hereby wishes to leave written evidence of its most emphatic protest for the above-mentioned facts, and requests a prompt and satisfactory explanation and to instruct military authorities in the region to respect free navigation in the San Juan River, as stipulated in standing agreements between both countries, for the sake of the good relations that have existed."

Frightened

Yesterday, there was still no answer to the protest. In the meantime, it was confirmed here that a deep concern exists in the border area because the Costa Ricans cannot move freely in their own territory.

Other investigations showed greater detail about the incidents, according to which the Sandinista Guard, stationed in the San Juan, shoots because it demands that Costa Ricans present themselves at those posts every time they pass the river.

In the attack against Mr. Carrillo and Dr. Calderón, the former was slightly wounded in his temple, when he hit himself on the side of the boat seeking protection from the bullets.

Also, people from the zone denounced that the Guard charges 7 colones for each quintal of corn or beans that is taken out of Costa Rica through the San Juan, and obligates them to go to the Nicaraguan margin to pay the fee.

Medical services in the zone are practically unavailable in light of the abnormal situation.

In the last incident, aside from the physical attack, Nicaraguans used coarse language and harsh epithets when referring to the medical labor and assistance work carried out by the nationals.

Ambassador

In the meantime, the Nicaraguan ambassador, Javier Chamorro, said that he received the note of protest yesterday afternoon.

He said an investigation will be carried out to determine whether Nicaraguan soldiers incurred in any kind of irregularity. If anomalies are proven, they will impose the corresponding sanctions, he added. They will also give the necessary explanations of this case to our Government.

Annex 111

“Nicaragua conditions navigation on the waters of the San Juan River”,
in *La Nación*, San José, 8 November 1980

TRANSLATION

NICARAGUA CONDITIONS NAVIGATION ON THE WATERS OF THE SAN JUAN RIVER. (Extracts)

LA NACION, San José, Saturday 8 November, 1980

According to international news coming from Managua, whenever Costa Ricans wish to navigate in the confluence of the Sarapiquí and San Juan rivers, they must inform the Nicaraguan authorities to avoid conflicts. This statement was made by Commander Daniel Ortega, member of the National Reconstruction Junta of Nicaragua. Ortega said that this type of problems do not occur in the northern border, because when Honduran authorities transit the border area, they previously inform about it. The Nicaraguan leader said that in the zone where Nicaragua requests a previous notification to transit, there have been problems with contraband and the presence of "counterrevolutionary elements". The Nicaraguan Foreign Minister, father Miguel D' Escoto, explained that "last Tuesday's incident against officials of the Ministry of Health, indeed happened. However, he justified the request made by his country to ours.

According to international news coming from Managua, whenever Costa Ricans wish to navigate in the confluence of the Sarapiquí and San Juan rivers, they must inform the Nicaraguan authorities to avoid conflicts.

This statement was made the night before yesterday in the Sandinista newscast television, by Commander Daniel Ortega member of the National Reconstruction Junta of Nicaragua.

(...)

Border zone

In another part of his statements, Commander Ortega assured that in the zone where Nicaragua requests a previous notification to transit, there have been problems with contraband and the presence of "counterrevolutionary elements".

(...)

In regard to the situation, the Nicaraguan Foreign Minister, father Miguel D' Escoto, stated that "the incident indeed happened last Tuesday.

"What happens -he said- is that the Costa Ricans have a right of navigation on the San Juan according to the Cañas- Jerez Treaty. But, because in that area there are counterrevolutionary bands, we have asked the Costa Ricans to notify when they are going to cross the San Juan".

He added that: "it is not that we want to ignore their right to navigate the river, but simply that they notify us, as Hondurans do when they navigate on the Coco river, so as to avoid accidents like the one of the previous Tuesday".

Minister speaks

"I believe that some Nicaraguan authorities are uninformed of the treaties between our country and Nicaragua", said the Minister of Public Security, Carlos Arguedas, when he referred to Nicaragua's conditions established for Costa Rican vessels to navigate in the San Juan River.

Those authorities need to be reminded of the Cañas-Jerez Treaty, he added, which grants Costa Rica the right to navigate in the San Juan River.

Regarding the events of last Tuesday, when a Sandinista patrol shot very close to a boat with a group of officials from the Ministry of Health, the Minister said that he would not allow similar situations to happen again.

He also said that, it is now a policy of his governmental office, to intensify surveillance in the zone to ensure the full protection of the people that live in the region. But he specified that the guards would not be heavily-armed, but they would rather be equipped with a good communications system.

Mr. Arguedas did not specify how many men would be sent to the border zone.

He also said that it is necessary to protect those people's tranquility, as he also asked Costa Ricans to remain calmed.

He reiterated that Costa Rica has the right to navigate in the San Juan, and no one is going to "take it away from us".

Alarm

Officials from the Ministry of Health, recently said that there is a climate of true fear among the people of the zone of the mouth of the San Juan, as a result of the armed actions of the Sandinista Army personnel posted in the region.

Because of this situation, the Minister of Health, Doctor Carmelo Calvosa, ordered an investigation, because on three previous occasions' personnel of his institution experienced similar situations.

Acknowledgement

In our country, the Nicaraguan Foreign Minister, Miguel D' Escoto admitted that Nicaraguan border personnel attacked Costa Rican vessels in the San Juan River.

He said the situation to be regrettable, and that today he would inform authorities of his country the facts as soon as he arrives in Nicaragua, to lay down the corresponding responsibilities.

D' Escoto met yesterday for several hours with the Minister of Foreign Affairs, Dr. Bernd Niehaus, and with the Minister of Public Security, Carlos Arguedas, and he had lunch with the President of the Republic, Lic. Rodrigo Carazo.

Costa Rican officials explained to him their points of view concerning the incidents.

D' Escoto insisted on the need to establish an information system to keep the necessary contact between authorities of both nations, to avoid incidents like the ones that just happened.

The Nicaraguan Foreign Minister reaffirmed that under no circumstance there has been hostility from his country to Costa Rica. "We are in the best disposition to take the necessary actions to correct the errors made".

(...)

Carazo

On the other hand, after having lunch with D' Escoto and the other Central American Foreign Ministers, President Carazo said that under no circumstance our country would allow the violation of our sovereignty, and that the Government would be steadfast on this.

He commented that yesterday he met with the directors of the Civil Guard, with whom he analyze the possible measures to take at the border to protect our sovereignty.

The president said that under no circumstance, he is willing to coordinate any activity at the border, because the border treaties are clear and they permit Costa Ricans to navigate in the San Juan river.

However, said President Carazo, we believe that we can talk things over to avoid problems, if they should persist.

(...)

Annex 112

"Foreign Affairs Minister says that the Cañas-Jerez Treaty is unquestionable"
in *La Nación*, San José, 9 November 1980

TRANSLATION

FOREIGN AFFAIRS MINISTER SAYS THAT THE CAÑAS-JEREZ TREATY IS UNQUESTIONABLE

LA NACION, San José, Sunday 9 November, 1980

Foreign Affairs Minister, Dr. Bernd Niehaus stated that Costa Rica will not allow its sovereign rights to be conditioned regarding the treaty of limits with Nicaragua called the Cañas-Jerez Treaty which is unquestionable and serves as the basis for the border relationship between the two parties.

The government of Nicaragua – added Niehaus – through its Foreign Affairs Minister, Miguel D'Escoto, regretted the events that had occurred and assured the Costa Rican authorities that he would take immediately the necessary measures for the situation not to repeat itself.

Niehaus commented that D'Escoto said that responsibilities will be established upon his return to Managua.

He added that the Nicaraguan Foreign Affairs Minister was clear in stating that these incidents are deplorable, harm the good relationship between both nations and that his country never intended to coordinate the navigation on the San Juan River.

Conflict

The causes of the border dispute between Costa Rica and Nicaragua are related to the machine gun shooting of a Costa Ricans vessel transporting officials from the Ministry of Health by a Sandinista patrol.

This provoked a reaction by our authorities who requested that Nicaragua explain the actions that occurred as well as instruct their military in the region to respect the free navigation on the San Juan River.

Treaty

In its article six, the treaty of limits between Costa Rica and Nicaragua states the following: "The Republic of Nicaragua shall have exclusively the dominion and sovereign jurisdiction over the waters of the San Juan river from its origin in the Lake to its mouth in the Atlantic; but the Republic of Costa Rica shall have the perpetual right of free navigation on the said waters, between the said mouth and the point, three English miles distant from Castillo Viejo, said

navigation being for the purposes of commerce either with Nicaragua or with the interior of Costa Rica, through the San Carlos river, the Sarapiquí, or any other way proceeding from the portion of the bank of the San Juan river, which is hereby declared to belong to Costa Rica. The vessels of both countries shall have the power to land indiscriminately on either side of the river at the portion thereof where the navigation is common; and no charges of any kind, or duties, shall be collected unless when levied by mutual consent of both Governments."

Unaware

Regarding this last point, Foreign Affairs Minister Miguel D'Escoto stated, while in our country, that he was unaware that the officials on the southern border of Nicaragua were charging 7 colones for a 100 lbs sack of corn or beans that would be taken out of Costa Rica through the San Juan, and force them to go to the Nicaraguan river bank to pay that tax.

Award

Additionally, there is the award signed by the president of the United States, Grover Cleveland in 1888, that establishes that our country has no right to navigate with vessels of war on the San Juan River but it may do so with revenue service vessels.

Also, as an additional point, it states that Nicaragua is subject to requesting our country permission if it desires to build a canal, taking advantage of the San Juan River.

Guards

On his part, the Public Security Minister, Carlos Arguedas Le Franc, reported that the institution under his command sent four rural guards to the border area in order to investigate the incident.

He added that he would not be sending more men since he considered that the conflict would be resolved with the good faith of the Nicaraguan authorities, as well as the participation of Foreign Affairs Minister D'Escoto who assured that the events that occurred had been regrettable.

Annex 113

"New protest to Nicaragua" in *La Nación*,
San José, 11 June 1982

TRANSLATION

NEW PROTEST TO NICARAGUA

LA NACION, San José, 11 June, 1982

For the second time in one week, yesterday the Government of Costa Rica sent a note of protest to the Nicaraguan Government for the "violation to the free navigation right on the San Juan river, that is categorically and perpetually guaranteed this country."

This was stated by the Minister of Foreign Affairs, Lic. Fernando Volio, in a Note addressed to the Nicaraguan Junta, presented to the Chargé d' Affaires, a.i., Lic. Oscar Ramon Téllez.

Volio sent a note of protest last Tuesday to the same official, after the incursion of members of the Nicaraguan army in Upala, Los Chiles and San Carlos during the last two weeks of May was verified. According to what was said at the time, the militaries where looking for antisandinista groups.

Several weeks ago, the Ministry of Public Safety started a control and search procedure at the Nicaraguan border zone. Police surveillance in Conventillos, Peñas Blancas, La Cruz, Santa Cecilia and other towns was triplicated, and members of the Police Force and the Rural Police were mobilized.

This time

Minister Volio explained that, Mrs. Emilia Gamboa, manager of the "Swiss Travel Service, S.A." travel agency, filed a complaint before the Minister for Public Security, Lic. Angel Edmundo Solano.

The manager explained that last Sunday, an agency boat headed for Puerto Viejo with 10 tourists was intercepted by a Sandinista patrol.

The patrol "forced our tourists to get off the boat and show their belongings".

After speaking to the passengers and the boatman for several hours, "they told our employee that he should notify the head office that as of yesterday, Costa Rican vessels were prohibited from navigating the San Juan River, in particular with American and European tourists."

The incident reported by Mrs. Gamboa, said Minister Volio in the Protest Note, is very serious because it affects the right of free navigation that is categorically and perpetually guaranteed to Costa Rica. Also, he said, "because it goes against our financial interests".

“Therefore, I protest that incident on behalf of the Government of Costa Rica”, said the Minister.

He added that Costa Rica asked Nicaragua to take “the necessary and urgent measures to sanction the members of the patrol”, and prevent similar situations from occurring in the future.

Another one

However, the Ministry of Foreign Affairs informed that after sending the note another incident with the same patrol, “that refused to identify itself and threatened to block the way of any boat with tourists “, occurred on Sunday.

Once more, Volio expressed “his discomfort for this new violation to the border treaty with Nicaragua.”

At the same time, the Nicaraguan Embassy expressed its concern to the Minister caused by these denunciations, and promised to send complete information on the events as soon as possible.

Annex 114

“Free passage along the San Juan River is demanded”
in *La Nación*, San José, 16 June 1982

TRANSLATION

FREE PASSAGE ALONG THE SAN JUAN RIVER IS DEMANDED

LA NACION, San José, Wednesday 16 June 1982

Costa Rica demanded that Nicaragua allow her national vessels free passage along the San Juan River, according to a statement made by the Minister of Foreign Affairs, Fernando Volio Jimenez, following a meeting with the Nicaraguan Deputy Foreign Minister, Victor Hugo Tinoco.

Both met at the Ministry of Foreign Affairs (more commonly known as the "Yellow House") in order to analyze the reports our country has made regarding Sandinista soldiers entering national territory and in regard to the restrictions the authorities of that nation have imposed on the navigation of national vessels.

According to Volio, the latter problem is the most serious since this prohibition disrespects the Cañas-Jerez Treaty which establishes the limits between the two countries. It was subsequently ratified by the Cleveland Award.

The foreign minister explained that boats with individuals from the Sandinista army have intervened the free passage of Costa Rican vessels, especially those of the Swiss Travel Agency company, which transports tourists from the mouth of the Sarapiqui River to Barra del Colorado.

"Costa Rica – Volio said – will not even allow our right to free navigation along that river to be called into question".

Nonetheless, deputy foreign minister "Tinoco assured him that Nicaragua is not preventing Costa Ricans from using that waterway.

However, he added that when national vessels navigate along the stretch of the river that corresponds to Nicaragua, that nation will exercise her sovereignty and will apply her laws.

Volio, for his part, declared that any interference made regarding national vessels will be considered a hostile act and our country will ensure her sovereignty is respected.

Commission

At yesterday's meeting it was agreed that a mixed commission would be set up within 10 days and its main aim will be to analyze the reports made by Costa

Rica regarding Sandinista elements entering their national territory, as well as other border problems.

Volio insisted, however, that the matter of the navigation of national vessels along the San Juan would not be discussed under any circumstances.

The commission, the official added, will analyze in greater depth the inquiries regarding the Costa Rican reports.

On the other hand, Volio said that they expected clear and categorical written confirmation that Nicaragua had investigated these claims in detail.

"I expect greater clarity and a change of attitude on behalf of the Nicaraguan authorities on the border. They should know that the border area cannot be used as a port of entry or punishment for anyone, because that is what diplomatic channels are for.

Finally, Volio considered the meeting held yesterday with the Nicaraguans to discuss this problem as a positive one.

Annex 115

“Nicaraguans announce control on the San Juan”
in *La Nación*, San José, 17 June 1982

TRANSLATION

NICARAGUANS ANNOUNCE CONTROL ON THE SAN JUAN

LA NACION, San José, Thursday 17 June 1982

The Nicaraguan government is prepared to control the navigation of Costa Rican tourist vessels on the San Juan River, according to its deputy foreign minister, Victor Hugo Tinoco, and this was confirmed by Yadira Lopez, the cultural attaché of the Nicaraguan Embassy here.

Mr. Tinoco met with the Foreign Affairs Minister, Fernando Volio Jimenez, last Tuesday to discuss the problems that have arisen on the Northern border over the past few weeks.

They decided to set up a special mixed commission that will analyze the reports of Sandinista factions entering our territory. However, deputy foreign minister Tinoco later announced that it will also discuss the matter of navigation on the San Juan River.

Minister Volio declared that the commission will not study the problem of navigation along the abovementioned waterway since Costa Rica does not accept "that our right of free navigation along the San Juan should even be questioned".

Minister Tinoco stated that he discussed with Volio the matter of customs and police control that Nicaragua has established – in particular, that of the entry of foreigners via companies that transport tourists along the river.

He added that surveillance was imposed to determine the activities of persons acting against the government. "I hope that Costa Rica comprehends the purpose of this measure", he pointed out.

He further added that this measure does not mean the right to free navigation will be restricted, since the decisions adopted were made to safeguard the country's security.

Treaty of limits

The Cañas-Jerez treaty of limits, signed by both countries in 1858, establishes in its sixth article:

That Nicaragua shall have exclusively the dominion and supreme control over the waters of the San Juan River, from its source in the lake to its mouth in the

Atlantic; but the Republic of Costa Rica shall have the perpetual rights of free navigation in the said waters from the said mouth in the Atlantic to three English miles before reaching Castillo Viejo, for the purposes of commerce; whether with Nicaragua or with the interior of Costa Rica, via the San Carlos or Sarapiqui rivers, or any other waterway coming from the part where the shore of the San Juan is settled as belonging to this Republic.

"The vessels of either country may come to indiscriminately on the shores of the river at the part where the navigation is common, without any kind of taxes being charged, unless they are established in common accord between the two Governments."

Facio

The former Foreign Affairs Minister, Gonzalo Facio, recalled that during his term of office at the Ministry of Foreign Affairs during the governments of Jose Figueres and Daniel Oduber, there were similar problems with the Government of Nicaragua, when Anastasio Somoza was president.

According to Facio, "free navigation is free navigation and that means our country has that right over the San Juan River, according to that established in the treaty of limits."

He added that any restriction imposed by Nicaragua would be a denial of the free navigation, and would thus mean the Cañas-Jerez treaty was not being complied with.

Facio declared that Nicaragua's idea of police and customs control of tourist vessels transporting foreigners has no legal basis whatsoever.

Annex 116

“Problems on the San Juan River continue”
in *La Nación*, San José, 4 July 1982

TRANSLATION

PROBLEMS ON THE SAN JUAN RIVER CONTINUE (Extract)

LA NACION, San José, Sunday, 4 July, 1982

Problems regarding the free navigation of Costa Rican vessels along the San Juan River continue to persist, according to Foreign Affairs Minister, Lic. Fernando Volio Jimenez.

The official explained that the Nicaraguan authorities subject national vessels to a sort of customs inspection which violate the treaty of limits ratified by both countries.

At the beginning of last month, our Foreign Affairs Ministry sent two letters of protest to the Nicaraguan government. One of them in response to the alleged raids by the Sandinistas on the national territory and the other, due to restrictions imposed on Costa Rican vessels to navigate on the San Juan.

This prompted the Nicaraguan Vice-Minister of Foreign Affairs, Victor Hugo Tinoco to come to our country in order to analyze the border problems with Lic. Volio Jimenez.

During the meeting, it was agreed to form a Joint Commission that would analyze Costa Rican complaints regarding Sandinista incursions as well as locate milestones along the border.

Volio emphasized that our country would not discuss "any issue related to topics related to the unquestionable and perpetual Costa Rican rights of free navigation on the San Juan River, established in the Cañas-Jerez Treaty of 1858 and reiterated in the Cleveland Award of 1888".

Problems

As it has been informed, Costa Rican vessels transporting tourists on tours through the San Juan River were subject to inspections by the Nicaraguan authorities.

Apparently this was very strict and upset the national businessmen, who filed a protest at the Foreign Affairs Ministry.

According to Vice-Minister Tinoco, such vigilance is exercised in order to prevent enemies of the Nicaraguan government from entering the country taking advantage of the tours.

After the meeting between Volio and Tinoco, apparently the existing tension lessened and the national vessels are now able to travel on the San Juan; but still subject to the alleged customs inspection by the Nicaraguans.

In the last weeks four trips have taken place and, according to the national businessmen, the situation has improved substantially.

Nevertheless, Minister Volio warned that the demands set forth by our government demanding the free navigation, have not been completely fulfilled and that he has reiterated it to the Nicaraguan ambassador in our country, Roberto Leal.

Annex 117

"Nicas confiscate material from journalists on the San Juan"
in *La Nación*, San José, 24 February 1983

TRANSLATION

NICAS CONFISCATE MATERIAL FROM JOURNALISTS ON THE SAN JUAN

LA NACION, San José, 24 February, 1983

Armed Sandinista authorities confiscated the notes and recorder of two journalists navigating on the San Juan River.

Edgar Fonseca, journalist for La Nación and Jose Angel Moya, director of a San Carlos news radio station were forced to hand in their materials to the Nicaraguan authorities who alleged security reasons.

In addition, Mario Castillo, photographer for this newspaper, was compelled to hand over his camera film, despite the objections of the journalists.

All were traveling to the border region in order to confirm a series of abuses that the Sandinistas allegedly commit and which had been frequently denounced by the residents.

Tour

The journalists traveled yesterday along the mouth of the Sarapiquí River up to the San Juan on a boat steered by Jorge Gamboa Marin and Eugenio Hernandez Alvarez.

When they reached the mouth at around 12:30 pm they had to comply with a disposition established by the Nicaraguan authorities, whereby any person that navigate the San Juan must identify themselves at a post they have there.

When they reached that point, the Sandinistas registered the members of a group of North American tourists taken to the area by the local company Swiss Travel.

This company must always stop the vessel for its passengers to be examined by the Nicaraguans. This has occurred for some time now.

When the Sandinistas spotted that the photographer from La Nación was taking pictures of the area, he was warned that he had to hand over his film.

Meanwhile, journalist Moya, had his tape recorder confiscated which he uses for his news program. His colleague Fonseca was forced to turn in his notes.

He even had to turn over the notes from an interview with the head of the Nicaraguan military in that area Juan Carlos Urey.

During that interview, Urey stated that they will continue to control the navigation on the San Juan under orders from Managua.

The Sandinistas possess an important military garrison in that area. It is estimated that at least 100 soldiers were mobilized into the area with modern machine guns.

In the meantime, Costa Rican residents complain about the treatment they receive from the Nicaraguan authorities and argue that "now the free navigation treaty has no value".

Annex 118

“Foreign Affairs Ministry will protest again to Nicaragua”
in *La Nación*, San José, 7 March 1983

TRANSLATION

FOREIGN AFFAIRS MINISTRY WILL PROTEST AGAIN TO NICARAGUA

LA NACIÓN, San José, 7 March, 1983

Based on the narration of journalists from La Nación who traveled to the northern area of the country and in the problems they faced there, Foreign Affairs Minister, Lic. Fernando Volio Jimenez, will protest again to the Government of Managua in the upcoming days.

This will be the thirteenth note of this type presented by Lic. Volio Jimenez since last June. None as of yet, have been answered.

However, the Foreign Affairs Minister has said that every time that it is verified violations to the national territory by the Sandinistas, or also, the free navigation of Costa Rican vessels on the San Juan River is interfered with, he will protest.

This will be done with the purpose to accumulate a file that, at some point in time, will be sent to an international organism not yet mentioned, which will analyze the border problems between both nations.

The tour taken by journalists Edgar Fonseca from La Nación, Jose Angel Moya from La Voz de San Carlos as well as the photographer from this newspaper Mario Castillo to the San Juan region was done as a result of the constant complaints from area neighbors who stated that they are subject to all sorts of arbitrary actions by the Sandinista military.

The journalists had an incident with the Nicaraguan border authorities who confiscated their notepads, film and a cassette.

In addition, they were able to verify that beginning at 6 p.m. the Sandinista guards do not allow anyone to circulate on the San Juan River and whoever does it, does so under their own responsibility and at their own risk.

They also verified that any Costa Rican who wants to travel between the mouth of the San Carlos and Sarapiquí rivers to reach Barra del Colorado in the Atlantic has to request permission to do so and allow to be searched. Whoever does not comply with these measures runs the risk of being shot at.

The Sandinistas claim that these security measures are being taken due to the imminence of an attack against its government.

Annex 119

“Today will take place a high level meeting with Nicaragua”
in *La Nación*, San José, 4 April 1983

TRANSLATION**TODAY WILL TAKE PLACE A HIGH LEVEL MEETING WITH
NICARAGUA
(Extract)**

LA NACION, San José, Monday April 4, 1983

High-level delegations from Costa Rica and Nicaragua will meet today in San Juan del Sur (Nicaragua), to discuss the existing problems between both countries. This is the first meeting of this category, after the one that took place last June in the Casa Amarilla, in San José.

In that occasion, the Minister of Foreign Affairs, Lic. Fernando Volio Jiménez, conversed with the Nicaraguan Vice Minister of Foreign Affairs, Víctor Hugo Tinoco, to analyze, in part, according to official sources, some of the problems that will be discussed today.

Concerning the agenda which will be known, Costa Rica proposed the analysis of Nicaragua's interference in the free navigation of national vessels in the San Juan River.

Costa Rica also proposed to analyze the incursions of members of the Sandinista Army (EPS) in our territory and the delimitation of the border line, which is already being done.

Nicaragua thought considered convenient to establish methods to improve the relations between both countries. Also, to discuss the presumed action of elements that are against the Government, who work in Costa Rica to attack that nation.

(...)

Annex 120

“Meeting with Nicaraguans failed”
in *La República*, San José, 5 April 1983

TRANSLATION

MEETING WITH NICARAGUANS FAILED

LA REPÚBLICA, San José, Tuesday, April 5, 1983.

SAN JUAN DEL SUR, NICARAGUA (by José Luis Fuentes). Yesterday's meeting between government delegations of Costa Rica and Nicaragua was considered a complete failure.

Such qualification was given due to the fact that the meeting did not bring positive results to improve the relations between both countries. Furthermore, the most important topic of discussion, which was the right of free navigation in the San Juan river, was taken out of the agenda, since neither of the delegations yielded, and held on to their original positions.

Minister Fernando Volio said, at the end, in a press conference, that in the absence of any positive results from the meeting, the people of Costa Rica should join around President Monge.

Although it was not recorded as a deliberate statement, the Minister vaguely inferred the possibility of taking this issue before the Organization of American States (OAS).

The most prominent agreements in this meeting were the reactivation of two joint committees to discuss the delimitation of the border, and the problem in the San Juan.

There were also some conversations, without reaching any agreements, about economic aspects, the violation of our sovereignty with the incursions of Sandinistas, and the possible training of counterrevolutionaries in the Costa Rican border area.

Nicaragua offered to negotiate with its fellow countries, the commercial treatment with Costa Rica. With respect to the incursions, the Costa Rican delegation denounced the existence of 86 violations of the national sovereignty.

Regarding the use of Costa Rican territory to prepare what anti Sandinistas call a possible Southern front, the Costa Rican delegation informed that only 8 have been confirmed, and that 64 persons were captured in 5 year old campsites, 28 of which had guns and only 22 were indictable.

The Costa Rican delegation was clear in stating that there is total control of the border zone, which takes a lot of sacrifice at a cost of 15 million colones.

The meeting was convoked to discuss an agenda with 5 points, which include the delimitation of the border, the incursions of the Sandinista army in Costa Rican territory, the free navigation in the San Juan River, the existence of counterrevolutionary elements, and the improvement of the relations.

After the meeting, the Minister of the Interior, Tomás Borge, gave an official statement to the press, in which he pointed out the coincidence of both countries willing to make important efforts to improve their ties.

He said that it has never been the intention of the Sandinista government to affect Costa Rica's sovereignty, and that there is "political will" to stop the mistakes of those incursions.

Borge said that Nicaragua considers they should have control of the San Juan, for security reasons, but he emphasized the respect for the Cañas-Jerez Treaty, ratified by the Cleveland Award.

Lic. Fernando Volio, who headed the Costa Rican delegation, mentioned that Costa Rica is being hindered from exercising its right of free navigation, and he pointed out vessels and people have been detained, as well as the prohibition to navigate after 6 p.m.

There was a proposal from Nicaragua to sign a friendship and nonaggression pact between both countries, but Costa Ricans considered it a new issue that was not included in the agenda, and therefore decided to inform President Luis Alberto Monge.

There was communiqué or joint press conference, but at the end of the day Minister Volio gave a press conference in Costa Rican territory. After a specific question, he said that nothing in the outcome of the meeting will improve the relations between both countries. Volio handed over several documents in which he states that Nicaragua's conduct in the San Juan is unlawful, and he showed details of the delimitation.

Annex 121

“Nicaragua guarantees freedom on the San Juan River”
in *La República*, San José, 15 April 1983

TRANSLATION

NICARAGUA GUARANTEES FREEDOM ON THE SAN JUAN (Extract)

LA REPÚBLICA, San José, Friday, April 15, 1983.

Nicaragua will allow unrestricted free transit in the San Juan River.

Dr. Sergio Ramírez Mercado, member of the Government Junta of Nicaragua, made the announcement in the meeting with First Vice President of the Republic, Alberto Fait in that city, and he then ratified it in a press conference, after a question from LA REPÚBLICA.

The delegations from Costa Rica and Nicaragua met in the hotel Las Espuelas, and reached concrete agreements, which they summarized in a joint statement.

Agreements

These were the main agreements:

- 1) Continue with the efforts to normalize the Common Market.
- 2) Strengthen the Central American Integration Bank.
- 3) Nicaragua agreed to document its debt with Costa Rica for 90.6 million dollars.
- 4) Business relations between both countries will increase.
- 5) Costa Rica will continue selling electricity to Nicaragua.
- 6) Nicaragua ratified its will to obey the terms established by the Cañas-Jerez Treaty and the Cleveland Award (navigation in the San Juan River).
- 7) Costa Rica reiterated its neutrality and Nicaragua reiterated their respect for Costa Rica's political system.

(...)

Annex 122

“Ramirez offers gradual respect to navigation on the San Juan River”
in *La Nación*, San José, 15 April 1983

TRANSLATION**RAMIREZ OFFERS GRADUAL RESPECT FOR NAVIGATION ON
THE SAN JUAN
(Extracts)**

LA NACION, San José, Friday, 15 April, 1983.

Liberia – Dr. Sergio Ramírez Mercado, member of Nicaragua's National Reconstruction Junta, announced yesterday here, in a meeting with delegates from our Government, that his country will respect gradually the right of free navigation of Costa Rican vessels in the San Juan River.

The official added that within a non-specified term, they would totally obey the provisions of the Cañas-Jerez Treaty and the Cleveland Award, which allow Costa Rica the free navigation on that waterway.

Ramírez Mercado headed a large Nicaraguan delegation that met for three hours, in the hotel Las Espuelas, in Liberia, with Costa Rican officials, headed by First Vice President, Eng. Alberto Fait Lizano.

This is the second meeting between representatives of both countries in the last two weeks, after eight months of constant verbal confrontations, which have tensed the relations between both countries.

The first meeting was held last 4 April, in San Juan del Sur, in Nicaraguan territory. The Nicaraguan delegates were, among others, the Minister of the Interior, Tomás Borge, and

Vice Minister of Foreign Affairs Nora Astorga. The Costa Rican delegates were the Minister of Foreign Affairs, Fernando Volio Jiménez, the Minister of Public Security, Angel Edmundo Solano, and the Minister of Governance, Dr. Alfonso Carro Zúñiga.

On that occasion, Nicaragua reaffirmed Costa Rica's right of free navigation in the San Juan, but warned that they would continue controlling the passage of national vessels.

(...)

Again, Ramírez guaranteed Costa Rica's the right of free transit in the San Juan. Borge had done so on April 4. Foreign Minister Volio Jiménez has repeatedly said that this is the main difficulty in the relations between both countries.

(...)

Annex 123

“Conflict with the Nicaraguans due to tourism on the San Juan”
in *La República*, San José, 5 March 1994

TRANSLATION

CONFLICT WITH THE NICARAGUANS DUE TO TOURISM ON THE SAN JUAN (Extract)

LA REPÚBLICA, San José, Saturday, 5 March, 1994

Costa Rica will go to the International Court of Justice

While the Costa Rican Foreign Affairs Minister insists that the measure is unacceptable, the Nicaraguan Ambassador referred to the Cañas-Jerez Treaty and argued that tourism is not a commercial activity and, thus, passage through the river must be paid for.

Nicaragua ratified, on Friday, its sovereignty over the San Juan River which borders Costa Rica and announced that it would exercise the corresponding immigration controls to tourism on the waterway, according to Jose Pallais, the Vice-Minister of Foreign Affairs in Managua, who considered the measure imposed by the immigration authorities of charging five dollars per person for tourist navigation as legal.

Given this decision, the Costa Rican government demanded to investigate the fee being charged by Nicaragua to tourists traveling along the San Juan River.

The President of the Republic, Rafael Angel Calderon, affirmed that Costa Rican did not agree with Nicaragua's position, because if free transit on the San Juan River had been established, it referred to all Costa Rican vessels.

He also requested Foreign Affairs Minister Bernd Niehaus to speak with his Nicaraguan counterpart "in order to try to reach an agreement through dialogue and conviction".

"If we do not reach an agreement, the next Administration will have to present a claim at the International Court of Justice which we hope will not be necessary", manifested the head of state.

He added that the neighboring country must take advantage of the tourism that arrives in our country in order to expand that activity and turn it into a source of income for its population.

On his part, Bernd Niehaus stated that said measure was unacceptable and that commerce obviously includes tourist activity.

"This decision violates the border treaties that defend the clear and absolute principle of free navigation, and we will make the necessary contacts with the Nicaraguan government in order to reach an agreement regarding this issue, based on the fraternal relationship that both countries have always maintained", stated Niehaus.

He added that it is inadmissible that in the 20th century national and international tourism not be considered an important activity in modern commerce.

Alfonso Robelo, Nicaraguan ambassador to Costa Rican stated that "I obviously respect the interpretation made by Foreign Affairs Minister Niehaus, but my country makes a sovereign interpretation of the Cañas-Jerez Treaty, since when it was signed tourism did not exist; and commerce was foreseen as an exchange of merchandise".

In this point, Robelo insisted that the tourist is a person who travels in order to visit a region and it is not merchandise. Thus, tourism cannot be considered as an act of commerce.

"Nor is there a dispute with Costa Rica; and we respect the interpretation made by it. However, we know that any difference can be resolved in the best possible manner as we have always done".

Upon insisting that this issue concerns the Foreign Affairs Ministry, Governance Vice-Minister Eduardo Araya Vega, stated that his ministry and particularly the Rural Assistance Guard is prepared to attend to any event that may occur.

In addition, he accepted that on different occasions he has received reports about tense situations caused by the taxes being charged to tourists.

An old treaty that is still valid

According to the Cañas-Jerez Treaty subscribed last century, Costa Rica has the right of navigation only for commercial purposes, on the stretch that borders Nicaragua.

Upon justifying the charges, Vice- Minister of Foreign Affairs, Jose Pallais, according to AFP and ACAN-EFE wires, reminded that Nicaragua did not acknowledge tourism on the San Juan as an act of commerce. He also informed that his government has a border marking plan of its common frontier with Costa Rica, and that, in principle, it is foreseen to place milestones in an area of 37 kilometers of the 178 that cover the land border, according to data provided by Claudio Gutierrez, director of the Nicaraguan Institute for Territorial Studies (INETER).

In order to mark the common border, Nicaragua and Costa Rica are requesting \$300,000 in financing from Holland.

Pallais explained that two weeks ago, the government of Nicaragua established an immigration card and a fee of \$5 for a visa to foreigners that enter his country through the San Juan River, which provoked the irritation of the Costa Rican authorities.

“Each country is free to adopt any type of measures in its own territory and Costa Rica has no reason to protest a Nicaraguan decision, just as we respect the ones they make”, stated Pallais.

However, he discarded that the measure would provoke tension regarding the bilateral relationship between both countries which he referred to as “excellent”. He also indicated that the measure is part of the government strategy to “strengthen our presence and control” on the southeast region.

(...)

Annex 124

“Ticos were machine-gunned at the San Juan River”
in *La Nación*, San José, 8 March 1994

TRANSLATION

TICOS WERE MACHINE-GUNNED AT THE SAN JUAN RIVER

LA NACION, San Jose, Tuesday, 8 March, 1994

The presidential delegate in Sarapiquí, Norman Scott Chinchilla, and ten other persons were machine-gunned by Nicaraguan officers, last Sunday, at 2:45 p.m., while they were navigating in the San Juan River, on an educational mission.

"One of the Nicaraguan officials acted like a real bully", Scott told *La Nación* in an interview held in his house in Barva de Heredia.

This incident became known and an expert in International Law, Carlos Vargas Pizarro, warned that the \$ 5 per person charged to those who navigate in the San Juan, is a "serious danger" to our sovereignty.

"It is urgent that the Government makes an emphatic protest to Nicaraguan authorities, because otherwise, they would tacitly waive their right of perpetuity in the San Juan River", said the expert.

In the meantime, President Rafael Angel Calderón Fournier said: "We shall solve this through dialogue."

The president said he would seize the opportunity of the visit of the Nicaraguan President, Violeta Barrios de Chamorro, next April 27 – when she will visit (Costa Rica) to inaugurate a park in Zapote – to "discuss this matter personally "

This conflict with Nicaragua arose two weeks ago, when they began to charge \$ 5 – per person – to navigate in the San Juan River, a natural border with Costa Rica.

On the other hand, the Minister of Foreign Affairs, Bernd Niehaus, had a telephone conversation with his Nicaraguan colleague Ernesto Leal, who said that this \$ 5 fee is only for "the Nicaraguan river bank."

"If this is so, we must admit that it is part of Nicaragua's jurisdiction", said Niehaus.

Concerning the shooting, Leal said he was not aware of the incident, but he said he would find out, added the Minister.

However, the presidential delegate that was gunned, insisted yesterday that the \$5 are charged "without distinction, even to Costa Ricans that live on the margins of the San Juan."

Machine-gunned

Scott Chinchilla and other ten Costa Ricans, traveled along the San Juan last Saturday morning to distribute school supplies, desks, and didactic material for Costa Rican schools in Barra del Colorado.

On their way back, at 2: 45 p.m. last Sunday, the group was traveling in three boats, one of which had mechanical problems. At that time they were attacked in a place known as Delta del San Juan.

"All of a sudden they shot two bursts at us, with an AK-.47 machine-gun, and made us get closer. They treated us very badly: one officer said he could perfectly kill me", said Scott.

Annex 125

“Problem with Ticos solved”
in *La Prensa*, Managua, 8 March 1994

TRANSLATION

PROBLEM WITH TICOS SOLVED

LA PRENSA, Managua, Tuesday, 8 March, 1994

C.R. recognizes Nicaraguan right to charge taxes in the San Juan River

The daily newspaper in San Jose, La Republica, cited its Minister of Foreign Affairs, Bernd Niehaus, as stating that Costa Rican authorities recognize the right of Nicaragua to charge a US\$5 tax to tourists who travel the San Juan River.

During the last days, the diplomatic authorities from both countries have been in contact to try and smooth over a slight difference that arose after Nicaragua decided to charge US\$5 to tourists who travel the waters of the San Juan River.

The Costa Rican President, Rafael Angel Calderon, had even threatened to take the case to the International Court of Justice in The Hague if Nicaragua did not eliminate the tax; however, the Costa Rican authorities have backed down from this action and recognized that Nicaragua's decision to charge the tax is completely legal.

The Jerez-Cañas Treaty, signed by both countries, grants Nicaragua complete control over the aforementioned river and Costa Rica the right to navigate it and transport merchandise from its estuary up to three miles down Castillo Viejo.

According to the last declarations of Minister Niehaus, Nicaragua's decision to charge a tax does not affect or violate the border agreements between the two countries and it was all due to a bad interpretation which does not affect Costa Rican interests.

Nicaragua has been charging US \$5,00 to tourists who cross over the three mile limit which is where Costa Ricans are allowed to navigate freely with their merchandise.

Nicaragua Satisfied

The Nicaraguan Foreign Affairs spokeswoman, Claudia Paniagua, appeared very satisfied this morning with the information arriving from Costa Rica which indicated that the authorities from the neighboring country recognized that the recent strife was due to a misinterpretation.

"The declarations made by Minister Niehaus clearly show that two countries who want to live peacefully side by side can solve their differences amicably," said the Foreign Affairs spokeswoman.

Paniagua said that the neighboring country's authorities could feel reassured that Nicaragua would honor its international commitments.

Annex 126

“\$5 to navigate on the San Juan River”
in *La Nación*, San José, 10 March 1994

TRANSLATION

\$ 5 TO NAVIGATE ON THE SAN JUAN

LA NACION, San José, Thursday, March 10, 1994.

Only local residents are exempt.

Nicaragua charges visitors to Costa Rican towns.

Rio San Juan (border zone with Nicaragua). There is uneasiness and fear.

Free navigation in this river, a natural border with Nicaragua, is almost non-existent.

If you wish to visit a Costa Rican town, along the border of the San Juan, you must first pay \$ 5 in control posts of the Sandinista Army (EPS).

Only if you are a local resident or an acquaintance of Nicaraguan authorities, you are exempt from paying that "toll".

Failure to make this payment, which has been in force approximately for 30 days, can cost you at least a fright.

And distances do not matter.

To navigate 10 meters or 20 kilometers in the San Juan – even if it is only touching the national riverside – visitors are forced to change their course and go to the Nicaraguan side to pay that fee.

This was verified the day before yesterday, by a group from *La Nación* that visited that border zone with Nicaragua, where boatmen and local residents showed their uneasiness and fear for what they called an "abuse from Nicaraguans".

Although local residents do not have to pay the \$ 5, they are forced to "report themselves" at the control posts of the Sandinista Army (EPS).

Many times they must struggle against strong currents, under torrential rains, paddling their boats, to meet the Nicaraguan demand and avoid eventual "reprisals".

This is the situation that Costa Rican peasants must face daily, like Vicente and his father Eulalio Urbina Ruiz, who live in La Trinidad, only 400 meters away

from Boca de Sarapiquí, who complained: "We have no one to go to with our complaints".

"They can shoot their machineguns at us, that is why we must obey", declared Eulalio.

An equal experience confronts Juan Guzmán Mena, a farmer, who says this restriction "signifies a great danger for tourism", an economic activity very popular in this region of the Northern zone of the country.

"What will happen is that foreigners will not return here. The Government should do something to help us", he commented.

In spite of the complaints of the neighbors, President Rafael Angel Calderón said yesterday in the Presidential House, that "an agreement was reached without any problems".

Pay or ...

Those who eventually refuse to pay the \$5, can be exposing themselves to dangerous situations, like the one that happened last Sunday – at 2:45 p.m. – to Norman Scott Chinchilla, presidential delegate in Sarapiquí, and another ten Costa Ricans.

A Nicaraguan official fired his AK-47 at the three boats in which they were navigating down the San Juan. They were forced to "report" before a surveillance post located in a place known as Delta del San Juan.

That is why boatmen like Jorge Lao Jarquín, with more than 15 years of experience transporting tourists down the Costa Rican margin of this river, do not hesitate to stop and pay the \$ 5, without uttering a protest.

This man, hired by *La Nación* last Tuesday, to sail down the river – between 8 a.m. and 2 p.m. – assured that this tax must be paid by any Costa Rican that visits the zone, on his way to Barra del Colorado, Tortuguero or any other town close to the San Juan.

"What is most surprising is that tourists only visit Costa Rican towns, but even so they still have to pay Nicaraguans to achieve this", said Lao Jarquín, who lives in Puerto Viejo, and owner of tourist boat *Tarca*.

Among the many persons affected by this regulation, is Erich Zeisl, an Austrian whom this newspaper interviewed after he paid \$ 5 in the post of the EPS, in front of the Sarapiquí'.

The visitor wished to visit a natural trail, located only 600 meters away from that place, on the Costa Rican side of the San Juan, but he had to change his course and pay the "toll".

"This is another way to take money away from tourists", Zeisl declared to Bret Putnam, photographer for *La Nación*, who served as a translator during a brief dialogue, on a boat, in the middle of the deep San Juan river.

Roberto García, head of the migratory post of Nicaragua, across from Boca de Sarapiquí (see map), just said that "high orders" from Nicaragua responded to this payment. He did not make any further statements.

Annex 127

“Tourist card affects us, the *ticos* say”
in *Barricada*, Managua, 13 March 1994

TRANSLATION

TOURIST CARD AFFECTS US, THE TICOS SAY

BARRICADA, Managua, Sunday, March 13, 1994

Interest on establishing legal tourist routes

"Migratory processes are complicated and slow", the operators express

LOS CHILES, Costa Rica – Costa Rican tourist operators seemed to be interested in establishing legal routes towards Nicaragua through the San Juan River, but they stated that, before that occurs, speedy migratory mechanisms should be established as well as the rehabilitation of the Nicaraguan tourist infrastructure.

Esteban Cruz Cruz, representative of the Viajes Rio Frio Agency, expressed to BARRICADA that the most important obstacle they face is the complicated migratory processes, either in the Costa Rican side or the Nicaraguan's.

His agency offers trips to Caño Negro, Costa Rican territory and to San Carlos, in Nicaragua, "but the migratory processes are very slow and there is a lack of streamlining," he expressed.

Cruz waived the complaints of illegal tourist incursions to Nicaragua and pointed out that the definition of a wider bidding path for tourist packages to Nicaragua would be beneficial.

Population does not benefit from tourism

He pointed out that at least in this region of Los Chiles, tourist operators do not enter Nicaraguan territory, illegally, "maybe, on the other side, in the Sarapiquí area, people are forced to navigate across the San Juan River, but not around here", he commented.

Cruz added that the route to San Carlos, provided it is established, would also benefit the local commerce in Los Chiles. "Here, tourists only pass by", he expressed. "They arrive, take the trip and then leave, but do not stay overnight, they just eat snack food, but the population receives little benefit from them."

This promoter considers that charge of the tourist card that Nicaragua is making is affecting mainly the Costa Ricans, "who are interested in traveling to Nicaragua."

On the other side, Oscar Gutierrez, manager of another travel agency, considers that the ghost of the war in Nicaragua is another obstacle that depresses tourism.

Consulate would streamline the process

Gutierrez thinks that many of the border-related clashes occurring in relation to the tourist activity may be remedied provided both countries establish consulates here in Los Chiles and in San Carlos, in Nicaragua. "Also, a migration post would be established in the mojón (boundary stone), that would streamline our activity," he expressed. –

Both operators complained that the Costa Rican local Immigration Office is an obstacle, but the person responsible for the institution, Hammilton Henríquez, refused to make any comments to BARRICADA about the border situation.

Gutierrez considered that tourist infrastructure in the San Juan River zone "is good, but it should be restored and requires investment."

He pointed out that his agency could offer tourist packages towards San Carlos, Solentiname, San Juan del Norte, Granada and even Managua, provided Nicaragua had optimum water and ground transportation conditions and telecommunications.

From Los Chiles, tourists make a 4-hour trip along the Rio Frio to the area of Caño Negro, wherein an ecological reserve is located, whose price ranges from eight to twenty six thousand Colones.

The excursions to Nicaragua would also start from Puerto Viejo to Sarapiquí, where the boats cross the San Juan River to San Juan del Norte and then go back through the same route.

Annex 128

“Costa Rica demands Nicaraguans to withdraw charge on the San Juan”
in *La República*, San José, 17 March 1994

TRANSLATION**COSTA RICA DEMANDS NICARAGUANS TO WITHDRAW
CHARGE ON THE SAN JUAN**

LA REPÚBLICA, San Jose, Thursday 17 March, 1994

Niehaus Sent a Diplomatic Note

The Foreign Affairs Minister informed that steps have been initialized to achieve a solution to the dispute, given that the stipulations of the Cañas-Jerez Treaty are being violated.

The Foreign Affairs Minister, Bernd Niehaus, demanded to the government of Nicaragua to cease charging a toll in the locality of La Trinidad across from the mouth of the Sarapiquí River along the San Juan River, since that area is protected by the regulations of the Cañas-Jerez Treaty.

The Sarapiquí flows into the San Juan River and according to the stipulations mentioned in the Cañas-Jerez Treaty, Costa Rica has the right to free commercial navigation.

He added that the government had begun to contact Nicaraguan authorities at the site mentioned, but to this date had not received a satisfactory response.

The minister sent a note to the Nicaraguan ambassador in San José, Alfonso Robelo, in which is indicated that according to the information in his government's power, the charges are taking place.

He detailed that, due to this, he had instructed "all of the Costa Rican authorities at the border area initiate negotiations with the Nicaraguan authorities there in accordance with Article six of the Cañas-Jerez Treaty".

According to the Foreign Affairs Ministry, the constant problems that have arisen due to the use of the San Juan River were the object of analysis of a bilateral technical group established by an Agreement between both governments on January 14th in San José.

Although the misunderstandings had apparently been resolved, the Foreign Affairs Ministry states that it still had not received a satisfactory response.

This week, Minister Niehaus had communicated with his counterpart Ernesto Leal in order to mention the country's concerns regarding the matter. Leal

assured him that Nicaragua was not charging a toll on the waters of the San Juan River that they share.

Relations with Nicaragua have been tense during this week and Cardenal Miguel Obando y Bravo even denounced that the Agrarian Development Institute (Instituto de Desarrollo Agrario - IDA) was distributing land to farmers on Nicaraguan territory.

Annex 129

“Foreign Ministers will analyze transit on the San Juan”
in *La Nación*, San José, 13 April 1994

TRANSLATION

FOREIGN MINISTERS WILL ANALYZE TRANSIT ON THE SAN JUAN

LA NACIÓN, San José, 13 April, 1994.

The Foreign Ministers of Costa Rica, Bernd Niehaus, and of Nicaragua, Ernesto Leal, have scheduled a meeting before the change of powers in our country (May 8), to analyze the right of free transit that Costa Ricans have in the San Juan river, and settle several border problems.

Yesterday, when arriving at the session of the Government Council, held in the “Casa Amarilla” – to Commemorate the 150th anniversary of the creation of the Ministry of Foreign Affairs – Niehaus said yesterday that the Calderón Fournier administration will enforce respect for the Cañas-Jerez border Treaty, signed on April, 1858, by the governments of both countries, because Managua, he says, is “violating sovereign interests”.

The dispute was caused at the beginning of last March, because Nicaraguans decided to charge \$ 5 to every person coming from Costa Rica, who navigates on the San Juan. As a result of a note of protest that Niehaus sent to Nicaragua’s Foreign Ministry, the Sandinista Popular Army (EPS) decided on March 22, that the charge would only be applied to persons from third countries, so that Costa Ricans remained exempt.

But Niehaus repeated that he does not agree with the measure because tourism is a commercial activity and – in his opinion – is contemplated by the border treaty.

The Foreign Minister believes that the decision to charge a “toll” to third persons, does not come from the Executive Power of Nicaragua, but rather from the military sphere. For this reason, he said, this will be one of the subjects that he will discuss with his Nicaraguan colleague in a future meeting, whose date has not been decided yet, because Ernesto Leal is traveling in Europe.

The Costa Rican Government hopes to discuss the issue of the San Juan with Nicaragua’s Head of State, Violeta Barrios, on the 27th of this month, when she inaugurates the Nicaragua Park, in Zapote.

Greater Control

At the end of March, Leal announced that the Government of Nicaragua is preparing a program to "give more presence and control" in the zone of the San Juan River, through an increased police surveillance and installing migratory and customs posts along the waterway.

The press sub director of the Nicaraguan Foreign Ministry, David Silva, stated yesterday—upon being consulted by *La Nación*—that this program has not entered in force. He also pointed out that the Vice Minister of Foreign Affairs, José Palé, and a group of congressmen, visited the zone the week before last.

Silva explained that the police posts will be located in El Papaturo, El Castillo, Delta, and Sarapiquí. The migratory and customs posts will be operating in the first three places and in San Juan del Sur.

Annex 130

“Niehaus rules out arbitration”
in *La Nación*, San José, 20 April 1994

TRANSLATION

NIEHAUS RULES OUT ARBITRATION

LA NACION, San José, 20 April, 1994

Navigation in the San Juan River

Costa Rica will not turn right away to an international arbitration to settle the dispute with Nicaragua, concerning the free commercial navigation in the San Juan River, said the Minister of Foreign Affairs of our country, Bernd Niehaus.

When he was questioned about the actions that the Costa Rican Government could take, in case diplomatic conversations with his Nicaraguan counterpart, Ernesto Leal, do not succeed (the meeting will take place before the inauguration on May 8), Niehaus indicated that there could be an agreement between Foreign Ministers, without the need for a neutral instance to settle the dispute.

The conflict arose because of the decision of the authorities of the neighbouring country to charge – since early March - \$ 5 to every person who navigates on the San Juan River, which partially delimits the border between Costa Rica and Nicaragua.

Afterwards, the Government of President Violeta de Chamorro modified this measure, after a note of protest sent by the Costa Rican Executive Power. As of March 22, the “toll” is in force only for non-Costa Ricans.

Nevertheless, our country rejects this provision, because it considers that it violates the right of free navigation in the river, for vessels with the national flag, as established in the Cañas-Jerez Treaty of Limits. Managua, on the other hand, interprets that tourism does not qualify as a commercial activity.

The most affected by this measure are the tourist entrepreneurs who use the waterway, who must pay that tax for each foreign visitor.

Niehaus clarified that the validity of the treaty with Nicaragua for the use of the river has never been questioned, as was suggested in the local media.

According to the Minister, Costa Ricans can exploit commercial activities – like tourism – in the San Juan River route, up to a few kilometres before reaching the place called El Castillo. However, the toll is paid in the confluence of the Sarapiquí River with the San Juan.

Congressman Edgar Ugalde, said that the meeting between the Foreign Ministers Leal and Niehaus could drive forward a solution to the problem. "Charging any kind of fee is not in accordance with the treaty, and modern doctrine interprets that a river is international all along its course", he explained.

He demanded that there should be a national commission—integrated by persons from different backgrounds—for the permanent study of border issues with Nicaragua.

Annex 131

“Border dispute with Nicaraguans”
in *La Nación*, San José, 16 July 1998

TRANSLATION**BORDER DISPUTE WITH NICARAGUANS
(Extracts)**

LA NACIÓN, San José, Thursday 16 July 1998

Army impedes police from navigating**• Military complains that police travel armed**

A new border dispute between Costa Rica and Nicaragua arose yesterday when the Nicaraguan army delivered an order impeding the Costa Rican police of the Northern zone to navigate the San Juan River with arms.

The order upset the government of Costa Rica which, since yesterday afternoon, claimed its right to free navigation of that river, which is the only route it has for providing food and relieving officers in four border posts located between La Cureña de Sarapiquí and Barra del Colorado.

The prohibition was ordered by Colonel Orlando Talavera, head of the Southern Military post (on the border with Costa Rica) with the support of Nicaraguan army leaders, stated last night the press secretary from that agency, Milton Sandoval.

“This measure was taken because our troops have detected the presence of armed Costa Rican police navigating the San Juan River”, explained the military official.

However, the response of the Costa Rican Atlantic Command, based in Sarapiquí, was not delayed.

In the communications ledger of Costa Rican post Delta 14, it is registered that after the announcement of the Nicaraguan measure, an order was received from the Sarapiquí command stating: “The Nicaraguan police is neither allowed to touch Costa Rican soil.”

A Necessary Step

Public Security Minister, Juan Rafael Lizano, told La Nación that yesterday afternoon he sent a note to the Nicaraguan Minister of the Governance, José Antonio Alvarado explaining the need for Costa Rican Public Force to navigate the San Juan.

"There are Costa Rican Police posts that are impossible to be reached by any way other than the San Juan, and we need to do so in order to change guards and supply our men with food."

He seemed distressed by Nicaragua's questioning of Costa Rican police traveling armed on its waterway transit. He emphasized that the arms are necessary for the guards due to the inhospitality of the area and given the amount of provisions being transported.

"The Cañas-Jerez Border Treaty (signed on April 15, 1858) gives us the right to navigate the San Juan River and states that the only exceptions to this are armed ships, and in this case they are not armed ships, but in reality this is about the arm that police use for their own safety", he stated.

He also stated that he did not know the reasons that moved the Nicaraguan government to take this measure. When he was asked about unofficial versions circulating implying that this was in retaliation for the increase in illegal Nicaraguan immigrants captured, he responded: "We are doing our job; yes, we have reinforced control measures and yes, it is true that the number of deportees has increased."

Nevertheless, he stated that he did not have the precise data regarding the number of daily deportations, although, based on information provided by the Delta 14 post in Sarapiquí, between June 17 and July 14, 54 undocumented people were detained, and on Tuesday alone, 14 more.

When questioned yesterday at noon, President Miguel Angel Rodríguez said that he was not aware of the situation but that Costa Ricans have full right to navigate the San Juan River.

Only with Permission

Nicaraguan Captain Milton Sandoval stressed that the Army was clear with the Costa Rican police in that, from now on, they must request permission from the Ministry of Defense to transit.

He affirmed that in order for this measure to be lifted, high level coordination will be required.

Yesterday Foreign Affairs Minister Roberto Rojas said that he will take advantage of his participation in the Foreign Affairs Ministers Meeting, which is an anteroom of a Presidential Summit in El Salvador, to dialogue this issue with his Nicaraguan counterpart, Emilio Alvarez Montalbán.

(...)

Prohibition causes surprise in policemen

Northern Region. The Nicaraguan authorities prohibition for the Costa Rican police to navigate the San Juan river took by surprised the national elements placed in the border posts, as La Nación found out yesterday in a tour through the northern border.

The lack of highways and roads in good conditions, force the members of the Costa Rican Public Force to enter Nicaraguan waters to reach the three vigilance posts located in Cureñita, La Tigra de Sarapiquí y Barra del Colorado, small villages located on the margin of the San Juan.

"We sincerely did not expect this decision", said Froden Monge Castro, officer of Delta 14 post, in Cureñita.

He, as well as the other policemen that in the police posts guard the border with Nicaragua, travel by boat daily -from Puerto Viejo de Sarapiquí- approximately one hour and 40 minutes, before commencing their daily work.

This is so because if they tried to reach Cureñita by land, the trip would take up to seven hour, by a road of trails practically impossible.

The same happens every time there are police relief from the ones that attend the post in Barra del Colorado. Their substitutes travel on the river up to two and a half hours, because if they had to use another route, it would take them more than double.

"For me this is new since I have not seen anything abnormal", said Ramón Mairena, whose humble wooden house is close by from the small post in Cureñita.

Ismael Pérez, officer of the neighboring country, said to be hopeful that the situation would resolve, so he could cross to Costa Rican soil to do his shopping "on Cheo Urbina's shop", as he has done it in the last eight years.

Annex 132

“Alemán: Ticos out”
in *El Nuevo Diario*, Managua, 17 July 1998

TRANSLATION

ALEMAN: TICOS OUT (Extract)

EL NUEVO DIARIO, Managua, Friday, 17 July, 1998.

He confirms they cannot navigate armed on the San Juan River

- Cuadra: the Foreign Ministers can resolve the problem
- Cañas-Jerez Treaty is clear: Only commerce
- Costa Rican newspaper links case with deportees

President Arnoldo Alemán said yesterday afternoon that the Government of Nicaragua communicated to the Costa Rican Government, that it will not allow the circulation of armed Costa Rican police in the national territory.

The relations between Nicaragua and Costa Rica are strained since last Wednesday, to such a point that the Nicaraguan Army prohibited the circulation on the San Juan River, to armed Costa Rican police officers, who used this river to patrol and to transport themselves to guard the furthest points of their territory.

"There has been a warning call from our side, because they (the ticos) have the right of navigation, but not armed whatever it might be. Armed only the Nicaraguan Army", said Alemán.

Vice president, Enrique Bolaños explained that Costa Rica's border police have military posts in some points of their territory which need food supplies, task that is done through the river, in small boats with armed soldiers.

"That is really a foreign army in our territory. They say they have the right, so they neither allow us to circulate armed, because they see this as a common zone.

A misunderstanding ?

On the other hand, the Head of the Nicaraguan Army, Army General, Joaquin Cuadra, informed yesterday that the problem started when Nicaraguan soldiers spotted armed Costa Rican police officers circulating in the San Juan River, without permission from Nicaraguan military authorities, as has been established.

After a seminar on the prevention of sexually-transmitted diseases and AIDS, General Cuadra said the problem at the Costa Rican border was a

misunderstanding that started when a new chief of the Costa Rican civil guard, uninformed, started to navigate in the waters of the San Juan, unaware of the dispositions that both governments had made some years ago.

Among those dispositions, General Cuadra mentioned the escort made by Nicaraguan military of the Costa Rican police all through their journey along the San Juan River, so the Costa Rican police can relief troops and supply food to the officers stationed in border posts of Sarapiquí and Barra del Colorado.

For this journey, said the military chief, Costa Rican police officers were asked to travel unarmed, "which lately they were not observing, and they even entered without permission", said the General.

Ticos jump, but the treaty is clear.

"But we already put a stop to this; we cancelled the authorization for that circulation. We only have to sit down and discuss this situation to find a solution and facilitate the work of the border police of that country, that does not have another way to transit, except the river", said General Cuadra.

The Costa Rican guard, that patrol the border zone with Nicaragua, must go to places that are dangerous and difficult to reach by land, such as Sarapiquí and Barra del Colorado. That is why they use the San Juan river as a transit route. Colonel Orlando Talavera, head of the Nicaraguan army in the southern part of the country, ordered the impediment to circulate.

According to the Costa Rican newspaper La Nación , when high military authorities of that country learned of the restriction, they also ordered their border officers to prohibit the entry to that country of Nicaraguan soldiers.

The paper mentions that the Costa Rican Minister of Security, Juan Rafael Lizano, said that the decision of the Nicaraguan Army violates the Cañas-Jerez border treaty, signed between Nicaragua and Costa Rica on April, 1858, which allows the Costa Rican government to navigate in that river with any kind of arms, except with ship's artillery.

It is no retaliation

General Cuadra explained that there should be an agreement between the Foreign Ministers of both countries to reinstate the permits for the Costa Rican agents to navigate in the river. Cuadra said that the cancellation of the permits is not retaliation for the numerous captures of undocumented Nicaraguans in Costa Rican territory on the last few days. La Nación mentions that between June 17 and July 14, the Costa Rican police have captured, only in Sarapiquí, 68 undocumented Nicaraguans.

This problem could be solved within the next few days, if the Foreign Ministers of Nicaragua and Costa Rica, Emilio Alvarez Montalván and Roberto Rojas, take advantage of their presence in El Salvador, where they attend meetings, prior to the summit of Central American presidents, in order to discuss those border problems.

(...)

Annex 133

“Costa Rican Guard banned from navigating on the San Juan River with arms”
in *La Tribuna*, Managua, 17 July 1998

TRANSLATION

COSTA RICAN GUARD BANNED FROM NAVIGATING ON THE SAN JUAN RIVER WITH ARMS

LA TRIBUNA, Managua, Friday 17 July, 1998

The Costa Rican Civil Guard will not be able to navigate on the San Juan River with arms. The National Army issued the prohibition on Tuesday, and the sanction will remain until relations between both armed institutions normalize.

General Joaquín Cuadra Lacayo, chief of the National Army, was diplomatic about the matter: "It is a small misunderstanding that we hope to settle soon."

This "small misunderstanding" was caused by a new Costa Rican military chief, assigned to the bordering zone with Nicaragua, who navigated in Nicaraguan waters with armed guards to relief the troops stationed in places near the river, without an authorization from the National Army.

General Cuadra Lacayo explained that "apparently, when they changed the chief in the area, the high-ranking officers of the Costa Rican Civil Guard did not inform the new officer about the real situation, and this caused the misunderstanding. We had to put a stop to this problem until we speak with the Costa Rican leaders."

However, Cuadra admitted that Costa Rican Civil Guard faces several difficulties to reach their surveillance posts, and the river is the only way to do it.

He added that Costa Rican officers were always accompanied by officers of the National Army. The Costa Rican arms were always guarded throughout the journey.

For many years, there have always been harmonious relations in that zone between the authorities of both countries. "We wish to maintain those relations", said Cuadra.

President Arnoldo Alemán backed the decision of the National Army. "Our warning is in the sense that they have the right to navigate in the river but not armed." Alemán was emphatic in stating that "only the Army can carry arms inside Nicaraguan territory". He ruled out the possibility to discuss this issue with his Costa Rican counterpart, Miguel Angel Rodríguez, today in El Salvador, where they are attending the meeting of Presidents of Central America and Mexico, called Tuxtla Gutiérrez II.

Annex 134

“Prohibition lifted”
in *La Nación*, San José, 17 July 1998

TRANSLATION**PROHIBITION LIFTED**

LA NACIÓN, San José, Friday 17 July, 1998

Navigation on the San Juan River

Costa Rican police protecting the border with Nicaragua will be able to travel through the San Juan River today with weapons in order to reach their guard posts in Cureñita, La Tigra de Sarapiquí and Barra del Colorado.

This was communicated in a press release issued last night by the Ministry of Public Safety stating that "at 6 PM, the Nicaraguan Defense Minister, Jaime Cuadra, communicated to Public Security Minister, Juan Rafael Lizano that free travel on the San Juan River was granted to the officers of the police force" of Costa Rica.

According to Cuadra, everything will be normalized "as it had been occurring for many years".

The prohibition lowered onto the national police began on Tuesday with the argument that they could not travel with weapons, causing the officers problems since they need to travel the river to bring food and medicine to their partners, as well as relieve them of their duty and change guards. The roads to reach this area are in such bad shape that it is difficult to get there and the journey lasts many hours.

Although Cuadra's decision was made at 6 PM, Nicaraguan president Arnoldo Alemán had defended the position of his country's army just hours before, according to an AFP news wire.

"Our warning is that there is a right to travel on the San Juan River, but unarmed", said Alemán in declarations to the press right before traveling to El Salvador to attend the Tuxtla Gutiérrez III Presidential Summit.

However, for Costa Rican Foreign Minister, Roberto Rojas, who is in El Salvador, the situation was a "misunderstanding"; a similar opinion was issued yesterday by Nicaraguan military leader, General Joaquin Cuadra, according to AFP, who stated that the incident "is nothing more than a misunderstanding about the manner in which military vessels are allowed to transit on the river".

Annex 135

“Alemán Reiterates Sovereignty over the San Juan River”
in *La Prensa Libre*, San José, 23 July 1998

TRANSLATION

ALEMÁN REITERATES SOVEREIGNTY OVER THE SAN JUAN RIVER

LA PRENSA LIBRE, San José, 23 July, 1998

Managua. President Arnoldo Alemán declared yesterday that Nicaragua will not negotiate its sovereignty of the San Juan River, in the border with Costa Rica, and warned that its neighbors cannot claim "any dominion or possession" in that area.

Alemán faced questions from reporters regarding the surprise cancellation – at the request of Managua – of a meeting that was scheduled to take place yesterday in the city of Liberia, where recent border incidents between both countries were to be analyzed.

Although he did not clearly explain the reasons for canceling the meeting, in which the Ministers of Defense from Costa Rica, Juan Rafael Lizano, and Nicaragua, Jaime Cuadra, the president made it understood that its government partially objected to the agenda presented by San José.

"The only thing that was asked from them was a clarification of the agenda that they wanted to discuss (...) that the transit of Costa Rican Police with light weapons that they might have on the San Juan River be requested", the president stated.

Last week, the Nicaraguan Army forbade Costa Rican vessels from traveling with armed police officers on the San Juan River, which belongs to Nicaragua but on which Costa Ricans have the right to navigate freely.

Army Commander-in-Chief, General Joaquín Cuadra, stated at the time that the right for Costa Rica to carry arms must be authorized by Nicaragua, at the request of the neighboring country.

This issue resulted in a new diplomatic friction, after the press attributed the Costa Rican Foreign Affairs Minister Roberto Rojas, as having said that the San Juan River was not Nicaraguan territory, provoking protest from his Nicaraguan colleague, Emilio Alvarez.

To this effect, president Alemán stated that Foreign Affairs Minister Alvarez "was very emphatic about stating that the dominium and true imperium of Nicaragua over the San Juan is not discussed" and that Costa Rica cannot travel with arms on that waterway.

Costa Rica "has the right to commercial traffic, but has neither dominium nor possession" in the area, which delineates part of the common borderline, he reiterated.

Alemán did not say if his government will accept rescheduling the Liberia meeting, although he clarified that Nicaragua is not looking to create further incidents with Costa Rica since "there cannot be any territorial problems between brother countries".

Annex 136

“Nicas are unbending with Police”
in *La Nación*, San José, 23 July 1998

TRANSLATION

NICAS ARE UNBENDING WITH POLICE (Extracts)

LA NACIÓN, San José, Thursday 23 July 1998

Navigation of the San Juan River

- **The country expects a definitive response today**
- **Rodríguez holds an emergency meeting with ministers**

Managua. Costa Rica's rights to navigate across the San Juan River are limited and exclude the circulation of armed Costa Rican police along its channel, reiterated Nicaraguan Foreign Affairs Minister Emilio Alvarez, in declarations made to the press of the brother country.

In the last few days, Nicaraguan authorities have warned against the presence of Costa Rican agents entering the waterway with weapons, which partially defines the border. Costa Rica claims that it is necessary for Costa Rican police to travel with weapons since they are taking food and other provisions to the guard posts on the San Juan River bank.

Given the Nicaraguan position, the government of President Miguel Angel Rodriguez hopes that there will be a definitive response by Arnoldo Alemán's administration that will resolve the difficulty.

(...)

In declarations published yesterday by *El Nuevo Diario* in Managua, Alvarez reiterated that the total sovereignty of his country over the San Juan River as established in the Cañas-Jerez Border Treaty, which both nations signed in April 1858.

These comments were made after a bilateral meeting which was scheduled to take place yesterday in Liberia, Guanacaste (Costa Rica) was abruptly suspended.

The Nicaraguan Foreign Minister emphasized that Costa Rica has navigation rights that are limited to commerce alone and, as such do not include, according to the publication, the transit of armed police. It also mentioned that this is set forth in the Cañas-Jerez Treaty as well as the Cleveland Award (of 1888) which ratified the scope of the first treaty. (See map).

Costa Rican authorities defend the need for a group of police officers to travel on the river, every so often, in order to relieve their partners at the guard posts and bring them food. This new conflict took place on July 15 when Colonel Orlando Talavera, head of the Southern Nicaraguan guard post, ordered their passage to be forbidden with the support of Nicaraguan Army commanders.

(...)

Mistaken Reaction

For Costa Rican Foreign Minister Roberto Rojas, the reaction of the neighboring authorities is not justified since "no one has questioned that the San Juan River belongs to them". He stated that some press media from that nation (Nicaragua) attributed him with declarations he did not make that implied that he believed sovereignty over the river was not exclusively Nicaraguan, which spurred the controversy.

Regarding the reaction of his counterpart, Emilio Alvarez and Defense Minister Jaime Cuadra, Rojas stated: "They are not making any effort to maintain the relationship that we would like to exist between both countries."

Cuadra was the one who cancelled the Liberia meeting at the last minute, and attributed his decision to the fact that Costa Rica pretended to impose the agenda. "The Ticos must understand that the river belongs to Nicaragua. They only have the right to navigate it unarmed and with our authorization", Cuadra told the *La Tribuna* newspaper.

Former Foreign Affairs Vice-Minister (to Costa Rica) Rodrigo Carreras, an expert in International Relations stated that the aforementioned treaty (Cañas-Jerez) expressly forbids the navigation of vessels of war, which are defined as being equipped with, at least a submachine gun, not regulation weapons, such as those that the Costa Ricans police carry.

He stated that, historically, police have always circulated on the San Juan River and does not remember having had any problems due to that situation.

Annex 137

“Costa Rican President suspends visit”
in *El Nuevo Diario*, Managua, 24 July 1998

TRANSLATION

COSTA RICAN PRESIDENT SUSPENDS VISIT (Extracts)

EL NUEVO DIARIO, Managua, Friday, 24 July, 1998

Feigns anger due to crisis in the San Juan River

- They want to navigate armed in another's waters
- Will miss the inauguration of EXPICA
- Meeting between authorities in San José airport fails

San Jose.- The President of Costa Rica, Miguel Angel Rodriguez, cancelled his trip to Nicaragua planned for Friday due to a border dispute with Nicaraguans, his press office stated.

"The President will not travel to Nicaragua," journalist Arturo Cartín, from the press office, declared to Reuters. Rodriguez made his decision late afternoon, when a meeting between representatives of the Ministry of Security of Costa Rica and officers of the Nicaraguan army in the Juan Santamaria airport in San Jose, ended with no results.

The purpose of that meeting was to try to find a solution to the dispute in the common border, measuring 320 kilometers in length, where during the last weeks Nicaragua has conditioned Costa Rican navigation along the San Juan River.

(...)

Meeting with no progress

The disagreement over the navigation along an important stretch of the San Juan, which flows into the Caribbean, began after the Nicaraguans prohibited Costa Rican civil armed policemen's navigation.

At the end of the five hour long meeting in the airport, the Minister of Security of Costa Rica, Juan Rafael Lizano, declared that there had been no progress and the parties were staunch in their positions.

"Nicaragua demands that every time a Costa Rican patrol intends to navigate the San Juan River, it needs to inform the Nicaraguan authorities," Lizano said.

Nicaragua demands as well that, in case a Costa Rican official vessel is authorized to navigate, a Nicaraguan officer must travel in the boat, he added.

"Although the negotiations are still ongoing, Costa Rica's position is to not accept the conditions imposed by Nicaragua," stated Lizano.

Costa Rica has the right to navigate the San Juan River freely, in perpetuity, under the Cañas-Jerez Treaty, signed in April of 1858.

Only commercial navigation allowed

Nicaragua, however, argues that the treaty refers only to free commercial navigation and not the transit of armed policemen. The San Juan River begins in Lake Nicaragua and completely belongs to that country but in more than half of its trajectory, forms a natural boundary with Costa Rica.

Costa Rica has repeatedly alleged that the navigation of vessels of the Ministry of Security is essential to national interests since there are several civil police posts which can only be accessed through the river.

Neighbors from the Costa Rican town of Los Chiles, in the southern bank of the San Juan, told Channel 7 that the Nicaraguan provisions arose from the problem of hundreds of Nicaraguans who daily cross to Costa Rica illegally through different points along the border.

"The presence of Costa Rican troops has somehow become an obstacle for those Nicaraguans who want to cross over and the Nicaraguan authorities do not like that; they have reacted by restricting navigation," stated a neighbor, who requested not to be identified.

Annex 138

"Costa Rica Exhibits its 'Army' on the San Juan River"
in *LaPrensa*, Managua, 26 July 1998

TRANSLATION**COSTA RICA EXHIBITS ITS 'ARMY' ON THE SAN JUAN RIVER
(Extracts)**

LA PRENSA, Managua, Sunday 26 July, 1998

(...)

Chamorro (the Nicaraguan Tourism Minister) stated that he is not opposed to Costa Ricans using the San Juan River for tourism since this is part of modern commerce; however, he does not agree in that the Costa Rican police should be armed when they travel along the river.

(...)

Annex 139

“Chamorro objects to Patrols”,
in *La Nación*, San José, 27 July 1998

TRANSLATION**CHAMORRO OBJECTS TO PATROLS
(Extracts)**

LA NACIÓN, San José, Monday 27 July, 1998

(...)

Police Contrast

The designated Defense Minister stated that in contrast to the Costa Rican Police, the Nicaraguan Army officer that accompanied them during the tour of the river “was traveling totally unarmed”. He stated that he is not opposed to Costa Ricans using the San Juan for tourism purposes, because, according to him, that is modern commerce; however, he expressed his disagreement to their traveling heavily armed.

(...)

On July 16, the Nicaraguan authorities forbade armed Costa Rican police from navigating the San Juan, a task that they performed in order to change guards and bring food to the guard posts that the Police has in the area.

The foreign affairs ministers from both nations are scheduled to meet this week in Managua to resume talks. However, the date for this meeting has not yet been established.

Annex 140

“Alemán: I could take up the arms”,
in *El Nuevo Diario*, Managua, 30 July 1998

TRANSLATION

ALEMAN: "I COULD TAKE UP THE ARMS" **(Extracts)**

EL NUEVO DIARIO, Managua, Thursday, 30 July, 1998.

To Defend Our Sovereignty, he says

- If it is necessary to use the Army, he will
- The Costa Rican delegation arrives today to Nicaragua
- Nonetheless, the conflict has no sights of solution

If the Costa Ricans do not respect Nicaragua's sovereignty over the San Juan River, President Arnoldo Alemán is willing to take up the arms together with the members of the Nicaraguan Army, said the President himself in the city of Jinotega, after a trip through different rural communities.

- How do you interpret the phrase about defending sovereignty with guns in hand?

"If we need to make use of the institution of the armed forces of Nicaragua, we shall make use of them".

- Would you also take up the arms yourself, doctor Alemán?

"We don't necessarily have to do it, because that is why there are institutions, but if it is necessary to defend our country, I will do it", answered the president in an emphatic tone.

(...)

Nothing to talk about

Yesterday, the president went on a trip that took him through towns of Matagalpa and Jinotega, where he repeated General Sandino's phrase: "The sovereignty of a nation is not something that is discussed, it is defended with arms in hand", when he referred to the way that the problem with our southern neighbours must be dealt with.

(...)

A DIFFICULT STARTING POINT

In the meantime, a delegation from the government of Costa Rica, headed by the Minister of Public Security, Juan Rafael Lizano, is expected this morning by Nicaraguan authorities, to begin a new round of conversations about the border conflict in the San Juan River.

The conversations have a difficult starting point, because the government of Nicaragua has warned that they will not allow armed Costa Rican police officers to navigate in the river, while Costa Rican authorities say they will defend the circulation of their armed forces through the river, carrying their service arms.

With that opposing agenda, authorities from both countries had a first meeting last week, without making any progress.

“The object of my negotiation is to achieve that our Public Force can navigate in the river with their service arms. That is the only problem we have, and that is my position. We cannot back out,” said Lizano to the Costa Rican media.

The foundation of Costa Rica’s arguments is supported by article four of the Cañas-Jerez Treaty that establishes joint obligations for both countries concerning the defence of Bahía de San Juan del Norte in the Atlantic, and Bahía de Salinas in the Pacific.

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

(...)

Annex 141

“Border agreement with Nicas”
in *La Nación*, San José, 31 July 1998

TRANSLATION**BORDER AGREEMENT WITH NICAS**

LA NACIÓN, San José, Friday, 31 July, 1998

Army guards will keep watch over river passage

Managua. Costa Rican police will be able to travel with regulation arms on the San Juan River, provided they report themselves to the Nicaraguan border posts and travel with Nicaraguan military escort boats.

This was agreed yesterday in this capital after a meeting of nearly five hours, at the Defence Ministry, between the Minister of Defence from Nicaragua, Jaime Cuadra, and the Minister of Public Security from Costa Rica, Juan Rafael Lizano.

The decision, which was signed on a two-page document, ended two weeks of diplomatic tension in which Costa Rica warned to be willing to turn to international courts and Nicaragua insinuated that it could use arms to defend its sovereignty.

In the declaration, read at 4:15 PM at the Augusto Cesar Sandino Airport, Costa Rica reiterated its respect for Nicaragua's sovereignty over the San Juan River while at the same time this country recognized Costa Rica's right to navigate freely on this waterway, between the mouth of the Caribbean Sea and Castillo Viejo.

Costa Rican vessels will also be able to navigate changing guards and transporting supplies to border patrol posts, when, for some reason, a Nicaraguan boat is not able to escort them. However, they must report themselves to the Army posts.

Since July 16, the Nicaraguan government had forbidden the transit of armed Costa Rican police on the San Juan River claiming absolute sovereignty of its nation over the waterway.

Costa Rican authorities rejected the measure because they considered that the Cañas-Jerez Treaty of Limits of 1858 and the Cleveland Award of 1888 perpetually guarantee free navigation for commercial and fiscal control purposes.

In this case, police navigate the river in order to take supplies to four border guard posts belonging to the Costa Rican Police, which are extremely difficult to access by land.

Warning and Escorts

“We will leave with our boats and inform the Nicaraguan government. If they want to send a boat to escort us that is fine and if not that is also fine. Nicaragua has the right to transit on the river and can do so whenever it wants”, Lizano responded after signing the agreement, during a press conference at the Airport Protocol Salon.

When faced with questions from Nicaraguan reporters Cuadra denied that the agreement took away sovereignty from the country. “Costa Rica has always transited on the river and they are not being denied the right to travel on it and no one is taking away the fact that the river belongs to Nicaragua”.

The agreement was surprising, given that both parties had demonstrated rigidness in defending their points of view and even the government of Costa Rica did not foresee great results from the meeting.

In a technical-military meeting in San José on July 23, Costa Rica rejected a Nicaraguan petition to allow Costa Rican boats to travel on the river unarmed and with a Nicaraguan guard aboard, although it accepted reporting its movements.

According to Lizano, the proposal that ended the dispute arose yesterday during the session and was consulted with the presidents of Nicaragua, Arnoldo Alemán, and Costa Rica, Miguel Ángel Rodríguez.

“I am very happy because the solution to this conflict occurred as a result of dialogue. Speaking face to face and with respect is the way one may reach agreements”, declared the Costa Rican president.

Afterwards, through a press release, the Presidential Office informed that Rodríguez spoke on the telephone with Alemán letting him know that he was very satisfied that they had overcome the frictions.

Overly exaggerated

Lizano always considered this to be a minor problem that was needlessly inflated. “No one has won or lost here. What we have won here is for both countries to live at peace, to travel on the river and to be together”.

Former Foreign Affairs Minister, Rodrigo Madrigal Nieto (1986-1990) reiterated that during this century it did not make much sense to overly exaggerate small border disputes and invoke nationalistic emotions in the defence of their waters, as did some Nicaraguan authorities.

He referred to the agreement as a graceful exit. "When one reads this agreement, which first states that Costa Ricans must travel with Nicaraguan escort vessels, but if that were not possible, could equally travel on the river alone, it gives the impression that when the tension diminishes everything will be the same as before".

Annex 142

“Nicaragua forfeited”,

in *La Prensa*, Managua, 31 July 1998

TRANSLATION**NICARAGUA FORFEITED
(Extracts)**

LA PRENSA, Managua, Friday, 31 July, 1998

Costa Ricans will keep on navigating across the San Juan River with weapons

The confrontational tone and warnings of President Arnoldo Alemán to "take up arms" to defend sovereignty remained just that: simple words and it's all just bravado, when yesterday, the president accepted armed navigation across the San Juan River by the Costa Rican Guard.

Although it has some restrictions, Nicaragua's government accepted the transit by Costa Rican Public Forces across the natural border of San Juan River, bearing service arms, but with previous authorization by the Nicaraguan Authorities.

In spite of the fact that the *tico* delegation accepted also the custody by Nicaraguan authorities, in the moment that they navigate across the river, it "can only be made" from boats owned by Nicaraguan public forces, whenever the capacity required thereto is available.

(...)

The Nicaraguan Deputies launched a savage attack on the agreement made between the *tico* Ministry of Security, Juan Rafael Lizano, and the Nicaraguan Ministry of Defense, Jaime Cuadra, after three hours of negotiations in Managua. Legislators warned that the agreement may be ratified by the Nicaraguan Parliament.

(...)

President: "it's the media's storm"

In spite of the questioning against the negotiations, president Alemán justified the new position adopted by Nicaragua "because they recognized our sovereignty".

"I believe that what we have done is to place stairs so that they can get out of the storm, which, in many cases, was the media's storm. We haven't yielded at

any time; they must consult and notify us to navigate in such a way", the president pointed out, by specifying that the Army has the capacity to implement this type of custody.

(...)

Annex 143

“Agreement tends to confirm Nicaraguan sovereignty in the San Juan”
in *La Prensa*, Managua, 1 August 1998

TRANSLATION

AGREEMENT TENDS TO CONFIRM NICARAGUAN SOVEREIGNTY IN THE SAN JUAN

LA PRENSA, Managua, Saturday, 1 August 1998

When read carefully and dispassionately, the main points of the agreement signed by Ministers Cuadra and Lizano regulating aspects of navigation by the Costa Ricans in the San Juan River, far from handing over our sovereignty, they impose healthy rules on Costa Rica which prevent any abuse on the part of the Costa Ricans in our national waters.

In order to fully comprehend the agreement and its implementation, each of its main points should be transcribed and analyzed, as follows:

First point

"The Costa Rican police force that relieves police and provides supplies for the border posts will navigate the San Juan River carrying service arms once the corresponding notice has been given and they will be accompanied by Nicaraguan authorities navigating in their own vessels.

Nicaraguan sovereignty is herein fully respected. The Costa Rican police set sail after having informed the Nicaraguan authorities – a sign of respect for our full right over the river in its entirety – and under the surveillance of Nicaraguan vessels. In other words, if the Costa Rican police are carrying arms or supplies strictly for police use, they should inform Nicaragua beforehand and, furthermore, allow close surveillance of their movements along the river.

Let it be remembered that, according to international law, Costa Rica has the right to navigate the San Juan and supply her police posts on the Costa Rican bank, and Nicaraguan controls remain absolute and do not accept any misgivings or debate in this regard. Prior notice must be given and, moreover, the Costa Ricans will be under surveillance to confirm that are carrying out a police logistics operation under Nicaragua's watchful eye. The word "regulation" does not refer here to any vessel, but only to the Costa Rican police. Nobody can be misled in this regard.

Second point

It is evident that, on banning armed Costa Rican ships on the river, the Cañas-Jerez Treaty refers to war vessels, not to police detachments, which, naturally, cannot travel unarmed.

If the Nicaraguan authorities do not accompany the armed Costa Rican police patrols in their vessels, the latter may undertake the journey making the required reports to the Nicaraguan authorities during the length of their journey along the waters of the San Juan River. The phrase "Costa Rican armed patrols" could give rise to suspicion, however, there is no doubt that the agreement refers simply to the relieving of the minor police groups who every now and then must be armed at those posts. It is worth noting that these groups should give prior notice to Nicaragua of their mobilization and allow Nicaraguan vessels to accompany them. If the Nicaraguan vessels do not accompany them they should still report to the Nicaraguan posts that safeguard our absolute sovereignty over the river, in other words, Nicaragua will always have prior or immediate notice of these police movements.

Third point

The mechanisms for implementing the agreement will be determined at a subsequent meeting of high ranking officers from the Nicaraguan military authorities and the Costa Rican police force.

This point indicates that this agreement is only an initial version which needs to be improved upon but that contains two fundamental acceptances made by Costa Rica. These are that Nicaragua reserves the right to be informed of and approve every detail regarding the movements of supplies to Costa Rican garrisons on its side of the river and to keep watch over their vessels during those movements within the river's waters, which constitute national territory.

Nicaragua has two very good advantages and these are that it could charge Costa Rica appropriate sums for allowing these police patrol relief operations and that foreign tourists transported by the Costa Ricans along the river, on seeing the Nicaraguan patrols, will realize that the Costa Ricans are transporting them along a river that does not belong to them.

Annex 144

“Agreement criticized: new practices can be dangerous”
in *La Prensa*, Managua, 1 August 1998

TRANSLATION**AGREEMENT CRITICIZED: NEW PRACTICES
CAN BE DANGEROUS**
(Extract)**LA PRENSA, Managua, Saturday, 1 August, 1998**

The President of Nicaragua explained the contents of the Joint Communiqué as follows: "this is neither an agreement nor anything that has an obligatory sense; it is only a communiqué that serves as a guideline between two neighbouring countries that face a misunderstanding"

Annex 145

“General Cuadra avoids commenting on the San Juan River”
in *La Tribuna*, Managua, 1 August 1998

TRANSLATION**GENERAL CUADRA AVOIDS COMMENTING
ON THE SAN JUAN RIVER
(Extracts)**

LA TRIBUNA, Managua, 1 August, 1998

The Army Chief, General Joaquin Cuadra, avoided answering direct questions on that institution's stance regarding the agreement subscribed between Nicaraguan and Costa Rican authorities granting the neighboring country's Civil Police the right to navigate the San Juan River armed.

"We are an obedient army; it is one of our greatest achievements," Cuadra said. When consulted if that meant he accepted the bilateral agreement, he answered: "That's another matter."

The sources consulted affirmed that the high Army commands did not agree with the agreement reached by the Executive Power of Nicaragua with Costa Rican officials. Proof of that is that during the negotiations between the Minister of Defence, Jaime Cuadra, and the head of Public Security in Costa Rica, Rafael Lizano, many high officials left.

"It is not our place to say whether or not we agree. In the first place, it was not us who were going to sign. It is a political document drafted by the country's political authorities, who are the ones who must face public opinion," stated Cuadra.

(...)

The military Chief declared that the Army would comply with their part, item three of the statement, that stipulates a meeting in the near future between Nicaraguan military authorities and the Costa Rica Civil Guard to define the procedures for the mobilization of Costa Rican vessels on the San Juan River.

These vessels supply border posts and transport police for relief of the guard.

"We will take extra care so that Nicaraguan sovereignty is not affected and the rights of Costa Ricans navigating the river are respected," added Cuadra.

The Costa Rican Civil Guard will be able to navigate with its issued service arms, M-16 rifles, according to the agreement reached by both countries. He explained that before the conflict, the Civil Guard were allowed the use of arms

for self-defense purposes, since if they were disarmed, they would exposed to delinquents but, he said, now any transit will be under strict Nicaraguan supervision.

Cuadra affirmed that the conflict due to armed navigation on the River began with the new Costa Rican administration, since the Civil Guard began to navigate armed without requesting previous authorization in the Nicaraguan border posts. "The problem began when the Army decided to stop the transit of Costa Rican authorities. Now the problem is solved when the Costa Ricans have accepted to request permission, recognizing the sovereign right that Nicaragua has over the river and (accept) to submit to the dispositions that Nicaragua imposes for the navigation on the River," he stated.

For Cuadra, the most important aspect of the statement issued by both countries is that "the Army will determine the mechanism, the how, when, where and why the River will be navigated.

"They will have to request authorization, to do it previously and will be accompanied during their trip by Nicaraguan border patrols. The Army is under full capacity to accompany them; the journey of the relief is short- a distance of about 15 kilometers."

(...)

Annex 146

“Nicaragua: Aleman suggests civil guard not to navigate the San Juan”
in *Deutsche Presse Agentur*, 4 August 1998

TRANSLATION

NICARAGUA: ALEMAN SUGGESTS CIVIL GUARD NOT TO NAVIGATE THE SAN JUAN

Deutsche Presse Agentur, 4 August, 1998

Managua,(dpa) After a two-day trip through that region, the Nicaraguan President, Arnoldo Alemán affirmed today that Costa Rican Civil Guard do not need to navigate in the San Juan supply their surveillance posts at the border with Nicaragua, which was the setting of a recent disagreement between both nations.

In his statements to the press, Alemán said that Costa Rican guards have "facilities" in their territory to take supplies to their border posts by land, without entering into the waters of that water way, which belongs to Nicaragua.

The president added that during his visit to several Nicaraguan military posts in the San Juan River, he verified that Costa Ricans can take supplies and relief their guards through the road network they have in their own territory, which would avoid frictions with Nicaraguan military authorities.

"After seeing those facilities, they should use their paths and roads", suggested the president.

Alemán explained that his government will not "revoke" an act of commitments, signed with Costa Rican authorities, on 31 July, on regulations for navigation in the San Juan River, and he also said: "you cannot revoke your own authority."

The president described the border agreement, signed last Friday in Managua, as a "prove of good will", and he added that Costa Rica's argumentations to justify that their public force navigate the river armed, "are not so valid".

He also announced that he ordered Nicaraguan military authorities to regulate the border agreement, but he warned that in the meantime, it will not be allowed the navigation of any Costa Rican vessels with armed police through the San Juan River.

However, he ruled out putting restrictions to commercial navigation between both countries.

The chief of staff of the Army, Major General Javier Carrión, informed that he would arrange a meeting with Costa Rican authorities, for next week, to discuss various aspects of the border agreement.

During his two-day trip through the border zone with Costa Rica, Alemán was accompanied by several ministers and military authorities. The president visited the towns of San Carlos, El Castillo, and San Juan del Norte, as well as several military posts.

Annex 147

“Nicaraguan hostility worsens”
in *La Nación*, San José, 4 August 1998

TRANSLATION**NICARAGUAN HOSTILITY WORSENS**

LA NACIÓN, San José, Tuesday 4 August, 1998

Alemán toured the San Juan River

Access is prohibited to Costa Rican press on tour

Boca San Carlos (San Juan River). The president of Nicaragua, Arnoldo Alemán, took advantage of a border tour of the river yesterday to insist before the local press that he is ready to give up his life in order to defend the national sovereignty while the Army forbade a group of journalists from this newspaper from entering the river.

Alemán began his tour at 9 AM at the Nicaraguan port of San Carlos, where he made these statements to the Nicaraguan media on the tour with him. At 12:20 PM, the nine boats comprising his party passed in front of Boca San Carlos and stopped for 15 minutes at the military post, located at the left margin of the San Juan River.

Two hours earlier, at this same place, Lieutenant Edin Lagos, radioed his superiors in order to ask about the possibility for the La Nación team to join the party and the response was a curt: "We have nothing to do with them. Let them go back to their country," responded the military official on the radio.

This measure is part of a series of new restrictions that yesterday affected all Costa Rican vessels that needed to navigate on the San Juan. Many boatmen denounced that for any type of trip, they were required to request permission from the Army, and they even warned one of them that he had to take the Costa Rican flag off of the boat in order to circulate on the San Juan.

President Aleman's warning and the navigation restrictions occurred only three days after a bilateral agreement was signed in Managua allowing boats from Costa Rica's Public Security to circulate with armed police on the river, after receiving authorization from the neighboring country's military and with the possibility of having military escorts on their own vessels during their trip.

With Weapons

When he spoke with journalists from his country, Alemán reaffirmed his speech regarding sovereignty. "We are a peaceful people; we think in civility but we have the bravery to defend, as General Sandino once stated, the sovereignty of

a country with a rifle at hand (...) and if it is necessary for us to give up our own lives then we shall also do so", he affirmed.

The leader, who circulated on the river escorted by most of his government ministers, also assured at the beginning of the tour that the delegation hadn't arrived to the river to demonstrate "bellicosity or preponderance." He then added: "We can travel on the San Juan River, with the Army and the police, either armed or disarmed."

But Alemán went a step further, and clearly alluding to Costa Rica, warned: "Any country or person with strange ideas or who tries to have participation of the river (has to) be told that we Nicaraguans know how to defend the sovereignty of a country".

This climate of hostility towards Costa Rican positions with which the president began his trip, characterized the entire tour.

This was confirmed by an order that Costa Rican Police located in the small village of Boca San Carlos communicated to every boatman and inhabitant who arrived in the area.

The Army prohibited all navigation on the San Juan River between noon and 5 PM. On the other side of the river, the military not only ratified the order, but also extended it from 9 AM onwards.

A Costa Rican boatman who requested to remain unidentified, acknowledged that yesterday the measure was understandable, to provide the president more security, but objected that each time that he had to circulate on the river, although the right to free navigation was already established, they had to request permission at each Military post and many times had to pay a fee for doing so.

Annex 148

“Nicaragua hardens its position”
in *La Prensa*, Managua, 5 August 1998

TRANSLATION**NICARAGUA HARDENS ITS POSITION
(Extract)**

LA PRENSA, Managua, Wednesday, 5 August, 1998

Costa Rican navigation will be submitted to severe restrictions in the San Juan River

The Vice-President of the Republic, Eng. Enrique Bolaños, said yesterday that the agreement signed between the governments of Costa Rica and Nicaragua regarding the border conflict between the two countries has no validity until the Executive Power does not regulate under what conditions the police or civil guards of Costa Rica can navigate the San Juan River with their service arms.

Bolaños assured that although there was still a lot of work to cover for that agreement to be implemented by the two countries, it specifies that Costa Rican police will be able to navigate the waters of the San Juan River armed, subject to what Nicaragua imposes on them.

(...)

Annex 149

“Special Commission in charge of the San Juan”
in *La Prensa*, Managua, 6 August 1998

TRANSLATION

SPECIAL COMMISSION IN CHARGE OF THE SAN JUAN

LA PRENSA, Managua, Thursday, 6 August, 1998.

Vice-president named to chair it

Vice-president, Eng. Enrique Bolaños, was designated by President Arnoldo Alemán, to chair a committee that would write the regulations or the rules of the game, of the agreement signed by the Ministers of Defense of Nicaragua and Costa Rica, on the navigation of Costa Rican public forces in the San Juan River.

The committee will be formed by the Minister of the Interior, Minister of Foreign Affairs, the Vice Minister of Defense, the Nicaraguan Army, "and as many as needed", said the Vice-president.

During a trip through the zone of the San Juan River, a government delegation was informed by the Army that Costa Rican police do not require to transit along the San Juan River to relief troops, because they have good access roads.

In this respect, President Alemán said the regulations would take into consideration the condition of the roads during the rainy season, and that they would be "humanitarian" in that aspect.

"In that case we could allow navigation, but under our rules. If the Costa Ricans do not accept the regulations, let them find a plane to transport their people", said the president.

Some politicians commented that the regulations would solve the flaws in the agreement. In many cases the Government is trying to get a new arrangement.

Vice-president Bolaños did not rule out a referendum to see the case of the San Juan River, and he encouraged the people to send their suggestions as to which would be the conditions to allow the passage of armed police officers through the river.

"We want to regulate to the satisfaction of the Nicaraguans", said the Vice-president.

Eng. Bolaños said that he already began to write a draft document that includes the aspects that should be regulated, that would be the conditions under which the Costa Rican police may navigate the river.

"These are preliminary ideas. They (the ticos) want to go through your territory armed. What conditions should you put to them? Well, in extreme situations, in cases of emergency, in those situations, you ask my permission, you let me know who will go through, you send me their passports, if they are armed, you describe the type of arms, the models, series, number, at what time they are leaving, at what time they are going back", said Vice-president Bolaños.

Another idea of Bolaños, is that Nicaraguan custodians should accompany Costa Rican boats, either in the Costa Rican vessel or in a boat, that would navigate parallel to the one from the southern neighbor.

"Nicaragua is in no hurry to write the regulations, if anyone needs to go through there

(San Juan River), we will say: You will pass through my patio, under the conditions that I say", stated the Vice-president.

Meanwhile, through the Costa Rican paper La Nación, Costa Rican experts recommended President Miguel Angel Rodríguez, to be prudent about the handling of the San Juan River issue.

Former Vice-minister of foreign affairs, Rodrigo Carreras, told La Nación: "We must be very prudent, because our neighboring country could overreact because of an oversize of their domestic problems."

On the other hand, María Antonieta Vitola, with a doctorate in Political Sciences, advised "not to confront directly with Alemán to avoid heating-up the situation."

According to the paper, the government of Costa Rica was not informed of those recommendations, but the prudence advised is the strategy to be followed by the Rodríguez administration.

Rodríguez and Alemán will meet on Friday in Colombia, during the inauguration of the president of that South American country.

Bolaños did not specify the date or the place for the meeting of the Costa Rican and Nicaraguan delegations for the regulation of the agreement; he just said it would be soon.

The agreement was signed by the Ministers of Defense of both countries, on 30 July.

In his statements, the Vice-president asked the media not to call San Juan del Norte, Graytown, because that is the name the English used when they tried to seize that place.

Annex 150

“Nicaragua would charge visa to Costa Rican policemen”
in *La Nación*, San José, 6 August 1998

TRANSLATION

NICARAGUA WOULD CHARGE VISA TO COSTA RICAN POLICEMEN (Extracts)

LA NACIÓN, San José, Thursday 6 August, 1998

Army denies passage to Costa Rican patrol boat in Boca de Sarapiquí

Paying the cost of a visa, carrying a passport, submitting an arms registry and requesting permission days beforehand, are some of the conditions that Costa Rican police must comply with when they navigate on the San Juan River, Nicaraguan Vice-President Enrique Bolaños announced yesterday.

The announcement was made a few hours before he was designated chief of the governmental delegation in charge of "regulating" the bilateral agreement that will govern the navigation of the Costa Rican Public Force on the bordering river.

(...)

Official Regulations

Enrique Bolaños, who will be the coordinator of a commission to "regulate" the bilateral agreement, dictated his judgment beforehand and assured that visa payments and passports will be demanded to the Costa Rican police.

"These are some of the things that need to be regulated and if the Costa Ricans do not accept or do not follow the regulations that the Executive Power of this country will place on this agreement, then they simply will not be able to pass through this territory", warned Bolaños.

He also assured that, until this regulation is ready, Costa Rica will not be able to use the San Juan. According to his criteria, the agreement establishes that if there is no vessel from Nicaragua available to escort the Costa Rican Police, they will not be able to circulate on the river.

Passage Impeded

The investigation into the death of an 11 month-old minor in Fátima of Sarapiquí, provoked the refusal from Nicaragua Army officials for the Costa Rican Police patrol from circulating along the San Juan.

The incident occurred last Tuesday at noon when a judge from Sarapiquí, Patricia Cuera, a fiscal agent, a public defender and two officials from the area Organism of Judicial Investigation (OIJ), traveled to the location on an official vessel, but when they reported themselves to the Nicaraguan guard posts, at the Boca del Sarapiquí, they refused to authorize their passage.

This was confirmed to La Nación both by Cubero as well as by the judicial policeman Pompilio Campos, who had to return and request help from a private boatman in order to reach the place.

Cubero affirmed that the Nicaraguan military officers treated them coldly and curtly and that they did not even want to hear any reasons, they simply denied that the official vessel, conducted by an unarmed police officer, use the river.

(...)

Annex 151

“*Ticos will pay the price*”
in *La Tribuna*, Managua, 6 August 1998

TRANSLATION**TICOS WILL PAY THE PRICE**

LA TRIBUNA, Managua Thursday, 6 August, 1998

Vice-President Bolaños prepares regulation on navigation

Vice-President Enrique Bolaños declared yesterday that "the government of Costa Rica will be demanded some conditions to navigate the San Juan River armed" and one of them will be to pay the cost of the escorts who will accompany them throughout their route.

"I remember when I traveled to Panama that when I entered Costa Rica, I had to have an escort and pay him breakfast, lunch and dinner until I reached the border with Panama," Bolaños stated.

The Vice-President was assigned by the president as Chair of the commission which will prepare the Costa Rican navigation regulations on the San Juan River. After his designation, he declared that globalization cannot mean "the violation of our sovereignty."

Bolaños announced that jointly with a group of advisors, he is preparing the regulations which will be discussed between the Nicaraguan and Costa Rican authorities, the purpose of which is to put an end to the border conflict in the San Juan River. Bolaños sent the Minister of Defense his suggestions to be incorporated in the elaboration of the regulations of the agreement already signed between Nicaragua and Costa Rica.

According to Bolaños, some of the necessary conditions that should be included in the regulations are: That Costa Rica request previous authorization to navigate armed in the San Juan River; That it present the passports of each officer and indicate the precise number and type of armament (type, series, model) to be carried; That it indicate the exact hour it will enter the River as well as the route, duration and exact time when they will exit the waters.

"Anyone intending to enter our backyard will do so under our custody," said the Vice-President.

Annex 152

“Commerce decreases along the border”
in *La Nación*, San José, 27 September 1998

TRANSLATION**COMMERCE DECREASES ALONG THE BORDER
(Extract)**

LA NACIÓN, San José, Sunday 27 September, 1998

Colorado and Sarapiquí Rivers**• Suspension of river transit leads to disruption**

Although Costa Rican civilians do not have any impediments for traveling on the San Juan, the day before yesterday, during the morning hours, officials from the Nicaraguan army at the Boca Sarapiquí post forced the owners of vessels to lower the Costa Rican flag on their vessels in the presence of a team from this newspaper.

(...)

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Annex 153

“Ticos requested European mediation”
in *La Tribuna*, Managua, 9 October 1998

TRANSLATION**TICOS REQUESTED EUROPEAN MEDIATION
(Extract)**

LA TRIBUNA, Managua, 9 October 1998

"The Nicaraguan Deputy Minister of Foreign Affairs, Carlos Gurián Debayle, rejected yesterday a proposal from his Costa Rican counterpart, Walter Niehaus, for the European Union to serve as mediator between both countries to resolve the conflict over the San Juan River.

The Nicaraguan rejection to Niehaus' proposal, made in San Salvador during a meeting of Central American Deputy Ministers of Foreign Affairs with European Union representatives, was followed by a session to 'settle differences'."

(...)

Annex 154

“Vessels investigated”
in *La Nación*, San José, 17 January 1999

TRANSLATION**VESSELS INVESTIGATED****LA NACIÓN, San José, Sunday 17 January, 1999**

The capture of two boats with 19 kilograms of cocaine in the vicinity of the San Juan del Norte, in Nicaragua, finally convinced the authorities of that country of the existence of drug trafficking network on that water way.

The Costa Rican Salomón Orozco and Nicaraguan Alejandro Reyes are accused of being responsible for the shipment. The former manned the vessel Andrea II, while the other boat had no name, informed Vicente Arce, the Costa Rican consul.

Both vessels had secret compartments, one of which carried 18 kilograms of cocaine, and in the other only one kilogram.

According to a report by the Nicaraguan National Police to the Costa Rican consul, they do not know the origin of the drugs.

"The zone is a drug trafficking route, mainly because there is no police in the municipality of San Juan del Norte and since its inhabitants work on the coconut plantations, and when the harvest is finished, they sell the drugs that they find along the river", stated the document.

For this activity, stated the authorities, high-powered motor boats are used, such as those detained, which transit at night.

In this case, Orozco and Reyes were arrested at 11:20 PM on Thursday at the mouth of the Indio River, near the Barra del Colorado, and their vessels had motors that reached 150 horsepower, police assured. According to them, the cocaine was heading towards Costa Rica.

Although they tried to flee, four army soldiers followed them. On Friday, police officers of San Carlos, Nicaragua traveled to San Juan del Norte, located 287 kilometers away – in order to take the suspects.

At that location, Orozco and Reyes remained under the orders of Judge Marta Ruiz, who will conduct the drug trafficking case. In addition, both are to be interrogated with the idea of determining if other people are acting as accomplices.

Annex 155

“San Juan: Calm and uneasiness”
in *La Nación*, San José, 4 July 1999

TRANSLATION

SAN JUAN: CALM AND UNEASINESS (Extracts)

LA NACIÓN, San José, Sunday 4 July, 1999

Costa Ricans resent lack of police patrol

- \$5 charged for navigating on the Costa Rica margin

(…)

As does López, who raised 13 children in this remote area, neighbors from other nearby settlements affirm that the only thing that has changed in the past year is that the Costa Rican police no longer navigate along the San Juan River and rarely visit them.

The police retreat generates certain uneasiness. Farmer Rigoberto Acevedo, from San Antonio, Sarapiquí, stated that, although he understands the limitations that the authorities now have in traveling through the region, their presence is necessary.

“If there were an emergency here, we would not have anyone to rescue us”, he warned.

The presence of officers has been almost completely reduced in the settlements along the Costa Rican river bank, since the Nicaraguan government forbade – on July 15, 1998 – the navigation of armed Costa Rican police officers on the San Juan River.

Juan Alfaro, head of Costa Rica’s Delta post- in Sarapiquí-, explained that the decision made by the government of President Arnoldo Alemán’s has forced Costa Rican Police border patrols to access the different guard posts by land.

He stated that the journey through the mountain and fields is extremely difficult, due to the terrible state of the roads.

They Miss the River

Police officers manning the guard post known as Delta 14, in Cureña, Sarapiquí, say that they are the ones who are most affected by Nicaragua’s limitations.

Before, it took them less than two hours to travel by boat from the Atlantic Command in Puerto Viejo, Sarapiquí to Delta 14. Now they must travel seven hours by car on a very rustic roadway and even walk the last two kilometers.

La Nación traveled to that guard post as part of a 70 kilometer tour on Thursday and Friday, through the settlements and villages adjacent to the river border.

Delta 14 has no mean of transportation, not even a horse, and the nearest neighbor that owns a boat, Carlos Espinoza, lives two kilometers away. In addition, the radio equipment used for communication is often in disrepair for many days.

Police officer Ricardo Chaves admitted that, in the event of an emergency, they would not be able to respond immediately.

José Calderon who is 58 years-old and has worked for the Public Security Ministry for 14 of those years revealed that his greatest wish was for the Nicaraguan government to revoke the prohibition. "We want to go back to traveling along the river. We dream about that".

The head of the Nicaraguan Army post at Boca Sarapiquí, who only identified himself as "Lieutenant Calderón", stated that the dispute over the navigation of Costa Rican police along the San Juan is already resolved.

"The only thing that Costa Rica has to do is respect the decision of the Nicaraguan government", he indicated.

Malaise due to fees

Some Costa Ricans, who do not live on the San Juan River bank but who have properties there, complain that for approximately the past four weeks the Nicaraguan immigration authorities have been charging \$5 (US) for navigating even on the Costa Rican margin of the river.

Everyone who wants to travel on the river must report themselves at an immigration post installed by the Nicaraguans at Boca Sarapiquí.

Here, those who do not reside in that sector must buy a tourist card, even if they are not planning on crossing the border. Navigation is allowed only from 6 AM to 5:30 PM; after those hours transit is allowed only for emergencies.

Aclímaco Salazar, from San Carlos and owner of a farm in Delta Costa Rica, affirmed that he had never been charged before.

After complying with these requirements, La Nación asked Celso Rivas, at the Nicaraguan post, about the charge and he limited to responding that he was only obeying orders.

Annex 156

“Costa Rica declares bilateral dialogue exhausted,
Government requests mediation by the OAS”
in Press Release, Press Office of the Ministry
of Foreign Affairs of Costa Rica, 3 March 2000

TRANSLATION

COSTA RICA DECLARES BILATERAL DIALOGUE EXHAUSTED GOVERNMENT REQUESTS MEDIATION BY THE O.A.S.

**PRESS OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS OF
COSTA RICA, San José, Friday 3 March, 2000**

Due to the free navigation dispute on the San Juan River

Last night, after a fruitless conversation in which President Miguel Angel Rodríguez, tried to reach a definitive agreement regarding the free navigation of official Costa Rican vessels on the San Juan River, and after many prodigious efforts in favor of dialogue and pacific negotiation mechanisms through the Foreign Affairs Ministry, the Republic of Costa Rica has finally exhausted bilateral dialogue as a means of arriving at a solution to the dispute originated on July 15, 1998, when the Republic of Nicaragua decided to establish unilateral prohibitions to the free navigation of that maritime route.

The official statement of that decision was delivered today to the President of the Permanent Council of the Organization of American States, OAS, Mr. James Schofield Murphy in which, the government of the Republic of Costa Rica, faithful to its peaceful vocation, requests that the Permanent Council of that organization to be convened in order to appoint a special representative to mediate the situation, facilitate effective dialogue and formulate recommendations that will be conducive to resolving the uncomfortable and tense situation that prevails and prevent actions that may alter peace in the hemisphere. We have, thus, expressly requested that the Bogotá Pact be activated and that the Inter-American Treaty of Reciprocal Assistance be instated as a mediation process between the parties.

Likewise, Costa Rica has requested to the Organization of American States, in order to avoid any ulterior conflict with the Nicaraguan authorities, to notify the government of the Republic of Nicaragua of its obligation in finding a peaceful solution to this controversy, and prevent them to refrain from hindering through the use of force, or any other action, the free navigation of official Costa Rican vessels carrying their duly registered normal arms.

In addition, Costa Rica expressly requests that the transit of Costa Rican fiscal police and border control vessels on the San Juan River be reinstated, under the same conditions that existed before this conflict arose.

Annex 157

“The San Juan River belongs to Nicaragua”
in Press Release, Press Office of the Ministry
of Foreign Affairs of Nicaragua, 6 March 2000

TRANSLATION**THE SAN JUAN RIVER BELONGS TO NICARAGUA**

PRESS OFFICE OF THE MINISTRY OF FOREIGN AFFAIRS OF NICARAGUA, Managua, 6 March, 2000

The San Juan River is a national river which crosses the entire territory of Nicaragua. The boundary between Nicaragua and Costa Rica was established in the Jerez-Cañas Treaty signed on 15 April 1858.

Nicaragua's rights were set down in article 6, in particular, of the aforementioned document, which declares: "The Republic of Nicaragua shall have exclusively the dominion and sovereign jurisdiction over the waters of the San Juan river from its origin in the Lake to its mouth in the Atlantic; but the Republic of Costa Rica shall have the perpetual right of free navigation on the said waters, between the said mouth and the point, three English miles distant from Castillo Viejo, said navigation being for the purposes of commerce [objetos de comercio] either with Nicaragua or with the interior of Costa Rica, through the San Carlos river, the Sarapiquí, or any other way proceeding from the portion of the bank of the San Juan river, which is hereby declared to belong to Costa Rica. The vessels of both countries shall have the power to land indiscriminately on either side of the river at the portion thereof where the navigation is common; and no charges of any kind, or duties, shall be collected unless when levied by mutual consent of both Governments."

The above means that the Republic of Nicaragua exercises, beyond any doubt, its full sovereignty, control and jurisdiction over the entire length of the San Juan River. This categorically and absolutely reaffirms the fact that Nicaragua, as the sovereign power of the waterway and the river bed, has every right to impose control measures and regulations regarding the San Juan River, whether they be of a migratory, sanitary, customs, jurisdictional or security nature or related to the protection of resources and the ecology.

For the Republic of Nicaragua, both the Nicaraguan sovereignty over the San Juan River and the Republic of Costa Rica's navigation rights, con objetos de comercio, to the said river, are clearly stated in the Jerez-Cañas Treaty of 1858. This treaty, which is currently in force and respected by the Republic of Nicaragua, establishes limits to the rights it grants Costa Rica such as the fact that these are only applicable to the part of the river where the southern bank belongs to Costa Rica and not to the part where the two banks are Nicaraguan; that the navigation rights granted to Costa Rica only apply to that con objetos de comercio; and that this commercial navigation is exclusively with Nicaragua or inland Costa Rica.

Nicaragua's rights were reasserted by the Award of President Grover Cleveland in 1888, which states in its second paragraph that "The Republic of Costa Rica has not the right of navigation of the San Juan River with vessels of war; but she may navigate said river with such vessels of the Revenue Service as may be related to and connected with her enjoyment of the "purposes of commerce" accorded to her in said article, or as may be necessary to the protection of said enjoyment".

The intention of the present Government of the Republic of Costa Rica is that its authorities may navigate the San Juan River in their official vessels carrying their service arms, thereby distorting the San Juan River's legal regulations by trying to turn a national river into an international one that is subject to the shared sovereignty of both countries. In this sense, the Cleveland Award does not refer to all Costa Rican authorities but rather just to revenue service vessels related to commercial purposes.

Over the past few months the governments of Nicaragua and Costa Rica have been holding talks on mechanisms of cooperation in the border zone, especially in relation to criminal activities related to cattle robbery, contraband, common delinquency; and on the possible demarcation of the maritime border. On Friday 3 March Costa Rica suspended the aforementioned negotiations and appealed to the Permanent Council of the Organization of American States, requesting their intervention and that they name a mediator, and specifically requesting that the Bogota Pact and the Inter-American Reciprocal Assistance Treaty be activated.

It surprises the Republic of Nicaragua that the Costa Rican government should make such a request when relations between the two countries are not strained, nor has there been any additional movement of the troops of either of the two countries towards the border. Likewise, it is worth noting that the migration posts continue to function normally.

In this sense, in declarations made to ACAN-EFE, on the same day, 3 March, President Miguel Angel Rodriguez reiterated that "his country has no concern whatsoever" regarding possible attacks or threats made by Nicaragua and that he appealed to international arbitration "because an agreement has not been reached"... For his part, the Costa Rican Minister of Security, Rogelio Ramos, declared to ACAN-EFE that the river's border zone is "absolutely normal". "We have a dispute over an aspect of navigation regarding the San Juan River. We are not mobilizing additional police to the area and nor are the Nicaraguans and we hope to resolve the conflict through the OAS."

In the Republic of Nicaragua's opinion, what Costa Rica is proposing is strictly of a legal nature since it is related to the interpretation of the international instruments currently in force between the two countries, and that regulate

rights regarding the San Juan River. Consequently, the solution should be reached via legal channels and any political solution giving Costa Rica additional rights is not acceptable.

The Republic of Nicaragua, which is open to dialogue and fully committed to strengthening the ties of friendship and cooperation that unite the governments and peoples of both republics, reaffirms its strict adherence to International Law and, in the present case, to the international instruments establishing the legal status of the San Juan River.

Annex 158

“OAS Secretary General Facilitates Reinitiating
Dialogue between Costa Rica and Nicaragua”
in Press Release of the Organization of American
States, Washington D.C., 8 March 2000

TRANSLATION**OAS SECRETARY GENERAL FACILITATES REINITIATING
DIALOGUE BETWEEN
COSTA RICA AND NICARAGUA****PRESS RELEASE OF THE ORGANIZATION OF AMERICAN
STATES, Washington D.C, 8 March, 2000**

Foreign Affairs Ministers from Costa Rica, Roberto Rojas, and Nicaragua, Eduardo Montealegre, agreed today to reinitiate the bilateral dialogue and accepted the role of the Secretary General of the Organization of American States (OAS), César Gaviria, as facilitator of this process.

The announcement was made after a session of the Permanent Council presided by Ambassador to Belize, James Schofield Murphy, was reconvened. "We now hope to begin working with a possible agenda to reinitiate a dialogue which we all hope will produce results and resolve this matter", stated the Secretary General, who also mentioned suggestions proposed by various delegations from Member States for both nations to reestablish their dialogue and find an amicable solution to their differences.

Previously, the Costa Rican Foreign Affairs Minister had invoked the Inter-American instruments on a peaceful settlement of controversies to try to end "the worrisome situation" that has been occurring with Nicaragua since July 1998, regarding the scope of the right to free navigation on the San Juan River.

The Nicaraguan Foreign Affairs Minister had expressed the scope of the aforementioned Treaty of Limits, affirming that his country exercises "without any discussion, full sovereignty, control and jurisdiction over the entire extension of the San Juan River and that the rights of Costa Rica, which Nicaragua has always respected, are limited to free navigation on a branch of the river and only for transporting "objects of commerce".

Annex 159

“Costa Rica forced to accept the dominion of Nicaragua over the San Juan”
in *La Noticia*, Managua, 17 March 2000

TRANSLATION

COSTA RICA FORCED TO ACCEPT THE DOMINION OF NICARAGUA OVER THE SAN JUAN (Extracts)

LA NOTICIA, Managua, Friday 17 March, 2000

Foreign Affairs Minister Eduardo Montealegre said that “if” the Costa Rican Civil Guard was authorized to navigate in the San Juan River armed, that corps must submit to all the controls that Nicaragua deems necessary.

“The position of Nicaragua is clear. The San Juan River is Nicaraguan, and navigation on it is ruled by the laws and the Constitution of the country”, said Montealegre.

The conversations between both countries on several border issues started on Wednesday, but they only lasted three hours, although they were supposed to end on Thursday. The reason, said the Costa Rican Foreign Affairs Minister, Roberto Rojas, is the interpretation that each country makes of the Cleveland Award. This was confirmed by Montealegre.

Rojas said that his country “has not ruled out” that they might have to recur to a third party. “If I read it one way, and they read it differently, maybe we need someone else to interpret it”, he said.

In response to several questions by the media, Montealegre said that “the position is clear, because for a mediation to happen both parties have to agree to it”. Nicaragua will not accept another interpretation of the said document, he added.

(...)

Although the meeting was suspended, Montealegre assured that it was “positive”. Next week, Foreign Affairs Vice-Ministers José Adán Guerra, and Walter Niehaus, from Nicaragua and Costa Rica respectively, will continue with the conversations in Managua.

(...)

The Secretary General of the Organization of American States (OAS), César Gaviria, initially would not make any statements about reinitiating the conversations between both countries, in which he acts as “Facilitator”.

But representatives of the foreign and local media, gathered at the Foreign Ministry, cornered him to get his point of view.

"I can only say that there have been interesting approaches", he said after leaving the place hastily, with the help of the OAS representative in Nicaragua, Sergio Caramagna.

Annex 160

“Permits to Navigate Armed?”
in *El Nuevo Diario*, Managua, 17 March 2000

TRANSLATION

PERMITS TO NAVIGATE ARMED? (Extracts)

EL NUEVO DIARIO, Managua Friday, 17 March, 2000.

- It is a possibility, says the Foreign Minister, and it would be for a limited time with the custody from vessels of the Nicaraguan Army
- Foreign Affairs would not grant the permissions

Foreign Affairs Minister Eduardo Montealegre did not rule out that Nicaragua could authorize armed Costa Ricans to navigate on the San Juan River, under special circumstances and for specific purposes, for a limited time, guarded by vessels of the Nicaraguan Army, as it was done until 1998.

Montealegre recalled yesterday that in the past, Costa Rica requested permits that were granted by the corresponding Nicaraguan authorities, until 1998, when the Public Force, particularly Minister Lizano, decided overnight that they did not need to ask for permission.

“That is the difference”, said Montealegre, after emphasizing that in the past permissions were requested and granted. He explained that, in any case if the corresponding authorities granted the permit, they would still need to be guarded by the vessels of the Nicaraguan Army.

(…)

“If Costa Rican authorities request the permit, under specific circumstances and purposes, for a limited time, the corresponding authorities would have to decide, but this would not be a decision of the Ministry of Foreign Affairs”, he clarified.

Montealegre explained that there are three types of navigation: navigation with purposes of commerce [objeto de comercio], along a portion of the San Juan River, to which Costa Rica has perpetual rights, there is another type of navigation in another portion of the river to which they are not entitled, and the third type is armed navigation, to which they are not entitled either.

There are approaches

The Secretary General of the Organization of American States (OAS), Doctor César Gaviria, said that the outcome of the first meeting between the Foreign

Ministers of Nicaragua and Costa Rica, Montealegre and Roberto Rojas, respectively, could be summarized as "there have been interesting approaches".

Gaviria acts as a facilitator in the conversations between Nicaragua and Costa Rica, concerning the armed navigation of Costa Ricans on the San Juan River.

(...)

Annex 161

“Dialogue regarding River at a dead end”
in *La Nación*, San José, 4 April 2000

TRANSLATION

DIALOGUE REGARDING RIVER AT A DEAD END (Extracts)

LA NACIÓN, San José, Tuesday 4 April, 2000

• OAS has ended its task as facilitator

Managua. Yesterday – at the Foreign Affairs Ministry - Costa Rica and Nicaragua ended– with no results - the round of bilateral dialogue facilitated by the OAS which aspired to finding a solution to the dispute due to the navigation of armed Costa Rican police on the San Juan River.

(…)

Costa Rican Foreign Affairs Minister Roberto Rojas; Nicaragua Foreign Affairs Minister, Eduardo Montealegre, and the Secretary General of the Organization of American States (OAS), César Gaviria, limited themselves to making statements at a press conference in the interest of the parties in order to maintain an open communications channel through dialogue and recur to other diplomatic alternatives.

“The bilateral channel has not been exhausted. What has been exhausted is facilitation by the OAS. But there can be other proceedings within the same organization”, affirmed Rojas.

(…)

End without an End

“What we have resolved today is to thank the Secretary General for this facilitation and declare this stage as concluded. As governments we are going to search for these alternative solutions (...) we think that the solution is near enough to not have to recur to greater extremes”, said Rojas.

He emphasized that “the diplomatic and bilateral channel continues to remain open” and we will continue to seek another mechanism in order to find a solution.

“The dialogue continues; it is a bilateral discussion and we are going to continue to explore alternatives in order to arrive at a happy conclusion”, manifested Montealegre.

Gaviria attested “faith and witness” regarding the goodwill of both governments in finding a solution to the dispute and certified the will of both delegations for examining each other’s position and finding some “interesting” approximations towards an exit.

(...)

Annex 162

“Nicaraguan Government charges 1500 colones to each
Costa Rican who navigates in the San Juan for a short while”
in *Diario La Extra*, San José, 11 April 2000

TRANSLATION**NICARAGUAN GOVERNMENT CHARGES 1500 COLONES TO
EACH COSTA RICAN WHO NAVIGATES ON THE SAN JUAN FOR
A SHORT WHILE
(Extracts)****DIARIO EXTRA, San Jose, Tuesday 11 April, 2000**

- A Costa Rican traveling from Sarapiquí to Tortuguero must navigate on a section of the San Juan River. A toll had never been charged given the good relations existing between Nicaraguans and Costa Ricans. But now, Aleman does not allow anyone to go through without paying.

(...)

Nevertheless, there is something that no one has mentioned and that is the manner in which the fees are charged to Costa Ricans, who must travel along the San Juan because of the fact that the area lacks roads.

12 Years of Activity

(...)

Although navigation on the Sarapiquí towards the San Juan has occurred since the Pre-Columbian era, and is currently the only means of communication for many families, it is the tourism activity that has made this area known to the world.

Enriquez reminded that it was boatman Ruben Lao who took the first tourists from the Sarapiquí down the river towards Barra del Colorado. That is how the affluence of tourists slowly increased until it became the activity with which more than a hundred people working for the 32 boat-owners operating on the river made a living.

In addition to this activity, other people, such as those who sell different products at the harbor, depend on the river indirectly. And, there area those who own restaurants, coffee shops and hotels located near the harbor as well as along the river bank in the center of Puerto Viejo and neighboring areas.

(...)

On the other hand, since tourism is the main source of income in the region, the intransigence of Aleman's government has led to a considerable decrease in tourism which, in turn, has caused great anguish for small businessmen meaning, not only the death of tourism in the area, but also of commerce and other activities.

An Aquatic Toll

The position taken by the Nicaraguan government of Arnoldo Alemán comes to establish some kind of waterway toll aimed only at vessels bearing a Costa Rican flag.

Arnoldo Aleman became upset when he saw Costa Rican police traveling with their weapons in order to relieve their fellow officers at the border guard posts. Later he took action against individuals and foreign tourists.

(...).

However, now it has extended to the Costa Rican civilian population and foreigners visiting Costa Rica.

In this manner, he ordered to charge 1,500 colones to each Tico who had to navigate on that river in order to travel from one place to another in Costa Rican territory.

The "pinolero" government charges 2 thousand colones to each vessel bearing the Costa Rican flag and five dollars for each passenger that travels through the San Juan. But what is most surprising is that if the foreigner is, for some reason, not carrying dollars, the boatman transporting them must look for them wherever he can and pay the new "toll". On the contrary, no one can pass.

According to some, the only ones who do not pay this "toll" are the Nicas who cross the river in order to enter Costa Rica in search of better economic conditions and send money earned in Costa Rica to their families living in Nicaragua, as well as a few Costa Rican families living on the bank of the San Juan who are well known by the Nicaraguan officers. Nevertheless, Costa Rican boats that travel from one place to the other must pay the 2 thousand colones.

According to a representative of the Costa Rican boatmen, the most frequent route for either foreign or national tourists is Puerto Viejo -Sarapiqui-Tortuguero. This route uses most of the Sarapiqui River and a part of the San Juan in order to re-enter Costa Rican territory and then travel from Barra del

Colorado to the Tortuguero Canals. For this reason, the Nicaraguans are taking advantage of the situation in order to charge anyone traveling along the San Juan branch.

(...)

But given the position assumed by the Nica government, entire groups of 20 to 26 people arriving at Puerto Viejo to take the tour decide against it and return home when they realize that they must pay 1.500 colones to the Nicaraguans simply for navigating on the San Juan.

Annex 163

“Nicaragua asks for a Costa Rican proposal”
in *La Nación*, San José, 18 June 2000

TRANSLATION

NICARAGUA ASKS FOR A COSTA RICAN PROPOSAL (Extract)

LA NACION, San Jose, Sunday, 18 June, 2000

Conflict over the San Juan River

• Presidents don't define agreements in Panama

Panama. The President of Nicaragua, Arnoldo Alemán, yesterday asked the President of Costa Rica, Miguel Angel Rodriguez, for a specific proposal to solve the conflict between both countries, over the navigation of Costa Rican armed police officers in the San Juan River.

"I have asked Miguel Angel (Rodríguez) to send me a proposal on how they want to solve the issue of the navigation of their police officers in the San Juan river, so we can also know when they do so", said Alemán during a press conference held yesterday in the Gamboa Rainforest Resort hotel, in the capital of Panama, after a meeting of Central American governors.

In the setting of this meeting of presidents, during which they analyzed border disputes between Central American countries, Alemán insisted that his country has no border conflicts with Costa Rica.

"We have had some problems of interpretation over the navigation in a river where Nicaragua has the dominion and highest empire."

On the other hand, Rodríguez said they would send the Costa Rican proposal to Managua within the next few weeks. "I received the petition of President Alemán, we will analyze it, and we will send the document within the next few days."

Annex 164

“San Juan spices up relationship with Nicaraguans”
in *La Nación*, San José, 10 July 2000

TRANSLATION

SAN JUAN SPICES UP RELATIONSHIP WITH NICARAGUANS (Extracts)

LA NACIÓN, San José, Monday, 10 July, 2000

(…)

Anxious neighbors

But, how do the neighbors in the area feel? Ermicinda Sunsing, who resides in Fátima de Sarapiquí, Marua López from San Antonio de Sarapiquí, Ventura Monge from Delta Costa Rica (also in Sarapiquí) and Isidro Quesada from Boca San Carlos, each consulted separately, coincided about knowing the agreement, but found it strange that it still had not been enforced.

“The Costa Rican police have not yet traveled down here. We still have not seen them on the river”, stated Sunsing, who has lived in the area for 41 years. “I do hope that they return soon. We really need them here since there are many undocumented people who are coming over from the other side and are giving us much trouble”, stated María Cristina Arrieta, a farm owner at the small community of La Tigra.

“My house was broken into and all of my food was stolen, even my watch”, stated Ventura Monge.

“The Nicaraguan soldiers do not allow us to take fish or shrimp out of the river which we used to sell to tourists and use that money to buy our food each day”, complained Maura López, a mother of 11 children.

(…)

Nothing Has Changed on the River

Northern Border. For Elí Morales everything is very clear. “Nothing here has changed. For us, the Costa Rican Police, everything is the same since we continue not being allowed to enter the river”. He is the head of the border guard post at Trinidad de Sarapiquí.

Upon crossing the controversial mouth of the San Juan River, in front of La Trinidad, Sergeant José Leitón, head of the garrison of the Nicaraguan Army leaves no doubt: “The prohibition for the Costa Rican Police to navigate on the river has not been lifted”.

The statements by both officials reflect the reality of what is occurring in the abundant, conflicting and at the same time peaceful San Juan River, ten days after the president of the bordering countries announced, without providing any details, the end of the dispute that burst on July 12, 1998. On that day, President Arnoldo Alemán forbade Costa Rican police from navigating on the river with their regulation weapons.

(...)

Annex 165

“Intense arms control”
in *La Nación*, San José, 25 September 2000

TRANSLATION**INTENSE ARMS CONTROL**

LA NACIÓN, San José, Thursday 25 September, 2000

• **Little activity on the San Juan causes concern**

Northern Zone. Surprise inspections on the Frío and Medio Queso rivers in Los Chiles, and the opening of mobile posts in Upala, Guatuso and San Carlos are part of the measures put into place by the rural police in this sector of the country in order to combat arms trafficking.

Modern metal detectors, being used for the first time as well as careful inspection of all vehicles, are among the activities that have been taking place for the past two weeks, after it was confirmed that the country is being used as a bridge for arms trafficking between Nicaragua and Colombia.

As a result, there is an alert from Pena's Blanca's in Guanacaste, to Barra Del Colorado in Limón.

The alert also involves the Organism for Judicial Investigation (OIJ) and the Intelligence and Security Directorate (DIS)

Days earlier, the Panamanian Police confiscated two arsenals which were believed to have passed through Costa Rican territory.

Surveillance on the Rivers

In Los Chiles, police not only pay special attention to boats navigating on the Frío River from San Carlos de Nicaragua, but also to those that pick up undocumented people at the edge of the San Juan River and then enter Costa Rican territory through the Medio Queso River.

According to police reports, there are groups working between Costa Rica and Nicaragua that take advantage of arms caches that are buried after armed conflicts in the neighbouring country, in order to negotiate them with the Revolutionary Armed Forces (FARC) of Colombia

While an AK-47 rifle in the Northern Zone can be bought for 15.000 Colones and even in exchange for food, in Colombia it costs approximately 750.000 Colones

According to a Nicaraguan Army intelligence report, in 1997, a load of 80 rifles entered Costa Rica.

The vendors were former Contras and the buyers' members of a gang of Panamanians and Colombians.

Edgar Hernández, Regional Director of the Costa Rican Public Force in Ciudad Quesada, and Gerardo Hernández, who works in Los Chiles, told *La Nación*, that they were concerned about the lack of surveillance on the San Juan.

They added that there are areas that are entirely without any type of surveillance, such as Cureña and Remolinito de Sarapiquí.

The lack of police is due to the July 1998 measure by Nicaragua forbidding armed Costa Rican police from navigating on the river.

Both police chiefs agreed that such a weakness could be currently being taken advantage of by traffickers.

In 1994, 1996 and 1999, the weapons used for the kidnappings that took place in Pital, Boca Tapada, Agua Zarcas and Cutris de San Carlos and most recently in Caño Zapota de Pococi, entered the country through the San Juan River bank, according to police.

Annex 166

“Police were not allowed to navigate”
in *La Nación*, San José, 28 September 2000

TRANSLATION**POLICE WERE NOT ALLOWED TO NAVIGATE
(Extracts)**

LA NACIÓN, San José, Thursday 28 September, 2000

Leaders will request an investigation

Northern Zone. Although they were unarmed and in civilian clothing, two judicial agents and a rural guard were not able to navigate on the San Juan River, at noon on Tuesday, after they did not obtain authorization at the Nicaraguan Army post, in front of Boca San Carlos.

Fernando Araya and Juan Carlos Arias, from the Organism of Judicial Investigation (OIJ) at Ciudad Quesada and Victor Julio Vargas, district delegate at the Costa Rican Rural Guard at Pital, were traveling as part of an investigation into a cattle theft at a farm located on the Costa Rican margin of the river.

In order to reach the area, the group was to travel four kilometers up river from Boca San Carlos to Caño Mairena, in order to respond to the report made by a farmer of last name Moreno.

This man complained to the authorities about the theft of ten cows, some which were left slaughtered on his property.

However, they were never able to reach the location after Nicaraguan soldiers told them they were not allowed to transit after they arrived at the border post to report themselves, as is obligatory.

According to the head of the post, who refused to identify himself, he had received orders from his superiors not to allow any police pass even if they are unarmed.

For ten minutes the agents insisted that they were conducting a judicial investigation, but their explanations were useless.

(...)

Neighbors from Boca San Carlos, such as farmer José Aguirre, consider that given these guidelines, Nicaragua, perhaps, without doing so intentionally, is generating impunity in that border zone since upon forbidding the investigation, this area becomes a "no-man's land"

A similar problem occurred last year when OIJ agents were not able to travel on the San Juan to collect the body of a Nicaraguan who had drowned on the Costa Rican margin.

(...)

Annex 167

“Energetic protest against Nicaragua”
in *La Nación*, San José, 29 September 2000

TRANSLATION**ENERGETIC PROTEST AGAINST NICARAGUA**

LA NACIÓN, San José, 29 September, 2000

The Nicaraguan Ambassador in Costa Rica, Mauricio Díaz received a note yesterday that encloses an energetic protest from the government of Costa Rica due to the fact that the Nicaraguan army impeded the navigation of Costa Rican authorities last Tuesday 26 on the San Juan River.

The letter was delivered to Diaz at the Ministry of Foreign Affairs by Deputy Minister of Foreign Affairs Elayne Whyte, according to a press release.

The text states that the incident is “a flagrant violation of the perpetual right of free navigation, established to the Republic of Costa Rica by the Cañas-Jerez Treaty of 1858, the Cleveland Award of 1888 and the judgment of the Central American Court of Justice of 1916”.

Two agents from the Organism of Judicial Investigation, Fernando Araya and Juan Carlos Arias and civil guard Victor Julio Vargas were not able to carry out a judicial errand with the purpose of investigating a cattle theft on a farm located at the Costa Rican bank of the river, which could only be accessed by that waterway, as Nicaraguan soldiers did not allow them to pass at a point located between Boca de San Carlos and Caño Mairena.

Yesterday, at Ciudad Quesada, the officers filed a report whereby the incident was ratified.

Rogelio Ramos, Public Security Minister, said yesterday that the head of the Nicaraguan army, Javier Carrión, offered to investigate the incident; whilst the Nicaraguan Foreign Affairs Minister, Eduardo Montealegre expressed his doubts while in Guatemala about the “veracity of the information reported by the Costa Rican press”.

At the Guatemalan capital, where a meeting of heads of state of the region with Prime Minister Jean Chretien was taking place, President Miguel Angel Rodríguez also addressed the issue with President Arnoldo Alemán, who offered to call him from Managua once the matter had been investigated.

Hours before, Rodriguez stated that Aleman assured him that he would take the necessary steps in order to avoid a similar situation in the future.

Ramos indicated that this was the first police operation to take place on the San Juan River since last July 25 when Rodríguez y Alemán reached an agreement regarding the navigation on the San Juan River during a meeting in Mexico.

The Costa Rican minister acknowledged that the agreement between the presidents, that ended almost two years of disputes, lacks an operational framework, since until the Nicaraguan Legislative Assembly does not approve it, the military cannot establish any conditions.

Annex 168

“Permission will be requested from the Congress for
the navigation of armed Costa Rican police”
in ACAN-EFE Press Agency, Madrid,
12 October 2000

TRANSLATION

PERMISSION WILL BE REQUESTED FROM THE CONGRESS FOR THE NAVIGATION OF ARMED COSTA RICAN POLICE

ACAN-EFE, Madrid, 12 October, 2000

NICARAGUA – COSTA RICA

Managua, 12 Oct. (ACAN-EFE) The government of Nicaragua will present a request to the National Congress of that country, to authorize the Army to grant the corresponding permits for the navigation of armed Costa Rican police officers in the bordering San Juan River.

“The granting of those permits will remain to the good judgment of the Army and the corresponding authorities that ward our national sovereignty”, said today, Wednesday, the president of Nicaragua, Arnoldo Alemán.

“We are polishing up the project because you must remember that a person that needs to come to this country, even for humanitarian purposes, needs an authorization by the National Congress”, added Alemán in a meeting with the press, during a visit to the duty-free zone in Managua.

With the Parliament’s approval, the governments of both countries will put an end to a dispute that worsened in mid 1998, when the Nicaraguan Army prohibited Costa Rican police from navigating the River with arms, without a previous permit.

Although this River belongs to Nicaragua, Costa Rica is allowed free navigation in a stretch near its mouth in the Caribbean Sea, but according to the authorities in Managua, it is only as long as it is for commercial purposes.

Annex 169

“Nicas insist on charging”
in *La Nación*, San José, 8 May 2001

TRANSLATION**NICAS INSIST ON CHARGING**

LA NACIÓN, San José, Tuesday 8 May, 2001

Use of waters on the San Juan River

San Juan River and San Jose. When it was thought that it was a problem that had been overcome, members of the Nicaraguan Army again insist on charging \$25 (8,126 colones) to each Costa Rican vessel navigating on the San Juan River.

In addition, each passenger is charged \$5 (1.625 colones). *La Nación* confirmed that after visiting the area and collecting complaints from the boatmen that usually navigate on the bordering river.

The Foreign Affairs Ministry confirmed yesterday that it had received complaints in this regard and informed that a commission visited the area over the weekend and is preparing a report on the matter.

Spokesperson Vilma Ibarra assured that the results of the report and the possible steps that the government will take will not be known until the Presidency analyzes them.

Last March 1st, a similar charge was denounced. However, the country complained to Nicaragua and on April 25, Foreign Affairs Minister Roberto Rojas announced the resolution to the problem after meeting with his Nicaraguan counterpart, Francisco Aguirre.

Continues and double...

La Nación traveled from Puerto Viejo aboard the vessel *Nube Viajera* steered by Hansi Lao. Upon arriving at the Nicaraguan Army post at Boca Sarapiquí, Sergeant Trejos charged Lao \$25 and handed him a \$25 receipt (number 0306) as an "international departure clearance". In addition he charged \$5 per passenger.

As inquired by Lao, the officer accepted that the amount was high, but indicated that he was only following orders from his superiors.

The vessel traveled down the San Juan until it reached the Delta Nicaragua post and then entered Costa Rican territory for one kilometer until it reached the Delta Colorado Costa Rican guard post.

On their return towards the San Juan at the Army post, Sergeant Erving Garcia again charged him another \$25 arguing that the vessel was again entering Nicaraguan waters. Garcia handed the receipt 0406.

Luis Navarro, captain of another vessel, *Samay Lagoon*, who was contacted by this newspaper, also confirmed the charges at those posts. He believes the charge to be excessive and states that it discourages commerce and tourism.

Rosalio Cantillano, a Nicaraguan living in Toro Amarillo who uses the San Juan River in order to buy plantains and sell them to the neighbors, complained because he was told that he must also pay the charge.

"It's just crazy", he said complaining about the increase from the 1.000 colones that he usually pays.

Jorge Montero, a resident from the area asked for reciprocity since Costa Rica does not charge Nicaraguan vessels "a cent" for using the Sarapiqui River for supplying at Puerto Viejo.

Annex 170

“An infuriating game”
in *La Nación*, San José, 9 May 2001

TRANSLATION**AN INFURIATING GAME
(Extract)**

LA NACIÓN, San José, Wednesday 9 May, 2001.

• President Alemán continues to violate International Law

It is a never ending story that becomes a nightmare with the passage of time and, while it persists, slowly undermines Costa Rica's rights to free navigation on the San Juan River. Two journalists from *La Nación* proved *in situ*, a few days ago, that Nicaraguan army soldiers are illegally charging Costa Rican and Nicaraguan citizens residing in the area, for each vessel and each person that navigates on the San Juan River.

The facts, proven and narrated yesterday by our journalists, are serious. Each vessel must pay \$25 and each person \$5 for "the right" to navigate and for "international anchorage", stated a sergeant in the corresponding receipt. In addition, if a vessel navigates on the San Juan and is forced to touch Costa Rican waters in order to return to the river, it must again pay the corresponding amount. If a Nicaraguan who is a resident of Costa Rica travels on the San Juan River in order to reach a Costa Rican point for carrying out commercial activities, that person also must be submitted to this measure on the departure and return. On the contrary, Nicaraguans who use the Sarapiquí River daily in order to buy provisions and then return to Nicaragua "do not pay a penny".

(...)

Annex 171

“Nicaragua rejects arbitration”
in *La Nación*, San José, 11 May 2001

TRANSLATION

NICARAGUA REJECTS ARBITRATION (Extracts)

LA NACIÓN, San José, Friday 11 May, 2001

Peñas Blancas and San José. Yesterday, Nicaraguan President Arnoldo Alemán announced that he would not submit the border dispute with Costa Rica to mediation or international arbitration.

During a visit made to his country's border facilities at Peñas Blancas, he also evaluated the \$25 charged by soldiers from his Army to every Costa Rican vessel that transits on the San Juan River.

A statement made to the correspondent for *La Nación* responds to the "energetic protest" presented this Wednesday to the Nicaraguan government by the Costa Rican Foreign Affairs Ministry against the fees charged.

(...)

Nothing, nothing...

Alemán's visit to the border guard post in order to inaugurate a Ministry of Agriculture office led to the border closing for more than five hours.

Regarding the Costa Rican request to recur to international mediation, Alemán insisted that his country has "highest domain" over the river.

And added: "There is nothing and no reason for us to resort to an international organization, nothing, nothing".

He maintained that charging Costa Rican vessels "is established by the Cañas-Jerez Treaty" and insisted that "Costa Ricans must pay for navigating the San Juan".

But he went further: he warned that the border disagreement is a dispute that is "already resolved".

He stated that if Costa Rican police want to navigate on the river, they can do so as long as they request permission and travel without weapons.

"We are not going to deny them that. What is taken away from them with their asking for permission" he asked.

He was categorical in that “the only police that can transit with weapons on the river is the Nicaraguan and no other”.

Annex 172

“Bolaños sees a solution about the San Juan”
in *La Nación*, San José, 28 February 2002

TRANSLATION

BOLAÑOS SEES A SOLUTION ABOUT THE SAN JUAN (Extracts)

LA NACION, San José, Thursday, February 28, 2002.

Meeting with Rodríguez in Managua.

• Presidents ask Foreign Ministers to reinitiate dialogue

A clear answer: "I believe it is possible". That is what the president of Nicaragua, Enrique Bolaños said when he was asked if he saw a solution to the conflict between Costa Rica and Nicaragua on the navigation of Costa Rican police officers in the San Juan river.

Bolaños spoke with Rodríguez here, for 45 minutes.

This happened after a Central American summit to prepare the joint meeting with George Bush, on March 24, in El Salvador. As a first step, it was decided to work toward the customs union of the isthmus.

Bolaños – who took office on January 10 – and Rodríguez agreed that their foreign affairs ministers should retake the conversations about the conflict, which, since July 1998, hinders Costa Rican armed police officers from navigating in the San Juan, which partially delimits the border between both countries.

Although they did not specify the process that will be followed by the two ministers in their conversations, the Nicaraguan minister, Norman Caldera, told *La Nación* that one of the goals is to "desanjuanize" the relations with Costa Rica.

He said this issue would be included in future meetings, but he mentioned that the agenda between the countries "is very rich".

(...)

However, Bolaños' tone was totally conciliatory, as opposed to his predecessor, Arnoldo Alemán – now President of Congress – who refused to discuss the subject while he was in office.

(...)

Annex 173

“Bolaños prefers to deal with Pacheco on the San Juan case”
in *La Prensa*, Managua, 3 May 2002

TRANSLATION

BOLAÑOS PREFERENCES TO DEAL WITH PACHECO ON THE SAN JUAN CASE

LA PRENSA, Managua, Friday 3 May, 2002

• Requests that Rodriguez not heed his Minister of Foreign Affairs

President Enrique Bolaños asked his counterpart in Costa Rica, Miguel Angel Rodriguez, to not heed the advice given by the Minister of Foreign Affairs, Roberto Rojas, who suggested Rodriguez sue Nicaragua before the International Court of Justice in The Hague before leaving power.

Last Thursday, Rojas recommended that Rodriguez escalate the differences between Costa Rica and Nicaragua since 1998 to the legal level to try and solve the dispute over the navigation of armed guards on the Nicaraguan side and the border dispute of the San Juan River.

"The Ministry of Foreign Affairs has decided to recommend to the President...and as the only solution to the existing conflict...that the issue be escalated to the legal level, having taken the corresponding provisions for that purpose," Rojas declared in a press conference.

"During a press conference, Minister Rojas suggested to President Rodriguez that he take this dispute with Nicaragua to The Hague before leaving power; we hope that President Rodriguez does not follow this ill advice which doesn't favor Central American harmony and especially, Central American integration.

He mentioned that he would also prefer to meet with President -elect, Abel Pacheco, who will assume power next May 8th; in other words, in five days.

"I would like to sit down with him and talk and negotiate. I ask President Rodriguez not to rush into anything and especially, not to listen to the advice given to him by the Minister of Foreign Affairs. I want to sit down with President Pacheco and begin negotiations with him. This matter can be solved amicably and in benefit of the peace of Central America. That is why we have not taken any steps – because President Rodriguez leaves and it's better to talk things over with the incoming President who will be there for the next 4 years," explained the Nicaraguan leader.

Annex 174

“Nicas raise River charge”
in *La Nación*, San José, 21 May 2002

TRANSLATION

NICAS RAISE RIVER CHARGE (Extracts)

LA NACIÓN, San José, Tuesday 21 May, 2002

- Costa Rican Foreign Affairs Minister asks the embassy to investigate the matter.

Sarapiqui (Heredia). In the past two weeks, Costa Rican boatmen and neighbors from the San Juan River border assured that the Nicaraguan authorities charged an additional two dollars for navigating on the river.

Thus, the total tax that Costa Ricans pay in order for them to be allowed to enter the controversial river has been raised to \$9 (3,186), complained boatmen and Sarapiqui residents last Saturday

Apparently, the measure is applied on weekends starting at noon, on Saturday and holidays.

From Monday through Friday, Nicaragua charges a tax of \$7 (2,478 colones) which has been in effect since January.

In addition to this charge, a "departure clearance" that can reach \$25 for boatman transiting along the river is also required.

The measure was communicated verbally to vessel owners last Thursday by Nicaraguan military based in the Boca San Carlos village on the Northern border.

The Charges

According to the complaints, the \$9 are charged at the guard post that the Nicaraguan Immigration Department established facing the mouth of the Sarapiquí River.

The head of that office refuses to receive the toll in colones although, in the past, they accepted national currency without any objection.

Although no Nicaraguan employee on the San Juan referred to the matter, on Sunday, the head of the Nicaraguan Immigration office on the border of Peñas Blancas, Gustavo Peterson, admitted that the additional tariff had been imposed during the weekends.

Peterson limited himself to say that it was related to a decision made by his superiors and that it was being applied in all Nicaraguan entrance points.

(...)

Immediate Consequences

For now, the consequences of this new charge are already being felt by local boatmen.

Geovanny Navarro and Pablo Hernandez, who filed complaints, state that since the measure has been in effect, residents from Puerto Viejo and the neighboring areas have decided to suspend their weekend trips to Barra del Colorado and Tortuguero.

"I already lost two tours and people are right. It's not fair that although we have the right to travel freely on our side of the river and for short distances, we must pay such a high price", said Navarro.

Even if the trip from Puerto Viejo de Sarapiquí and Barra del Colorado lasts about two and a half hours, Costa Rican vessels only need to travel on the San Juan for 25 kilometers.

That is the distance from the mouth of the Sarapiquí – where one enters Nicaraguan waters – and the area known as the Delta Colorado, where vessels re-enter waters that are exclusively Costa Rican.

The communities of Fatima, La Culebra and San Antonio are located along the Costa Rican bank of the San Juan River.

Its residents do not pay \$9 although the vessel owners have to pay a departure clearance of 1.000 to 2.000 colones.

ANGUISH THAT DOESN'T CEASE

Economically speaking, this past year has not been a good one for Costa Rican vessel owners that offer tours from Puerto Viejo de Sarapiquí to Barra del Colorado and Tortuguero in the Caribbean.

They are forced to travel on the San Juan River for half an hour.

For boatman Pablo Hernandez, the adversities began in April 2001, when the Nicaraguan Army, without any warning whatsoever, forced them to pay an additional \$25 to the 1.000 colones that they already paid.

Hernandez stated that raising their tour fees in order to cover the price increase, has led to a decrease in national tourism.

Now with a \$9 being charged to passengers, the situation has suddenly become worse.

Like them, neighbors also complain. "I live in Puerto Viejo. I have a farm on our side of the San Juan River and in order to reach it I travel 1,500 meters by boat. For this distance, Nicaraguan officials want me to pay a sail fee of almost 4.000 colones. This is an intolerable abuse", stated one farmer who preferred to remain anonymous.

Annex 175

“Immigration confirms charge to Ticos on the San Juan”
in *El Nuevo Diario*, Managua, 22 May 2002

TRANSLATION

IMMIGRATION CONFIRMS CHARGE TO TICOS ON THE SAN JUAN

EL NUEVO DIARIO, Managua, Wednesday 22 May, 2002

Where is that Money Going?

• A total of nine dollars per person and Ticos cry out

Nicaragua is putting order to the immigration movement of Costa Ricans along the Nicaraguan waters of the San Juan by charging two dollars per person, both for entering and for exiting, confirmed the Director General of Immigration, Luis Rodolfo Toruño.

"It's not that a new tariff is being applied", stated licentiate Toruño, "what is happening is that a customs fee is being applied which is clearly established by Nicaraguan law".

Toruño explained that any Costa Rican who wishes to enter the Nicaraguan waters of the San Juan River must pay five dollars for a tourism card, two dollars for entering and two dollars for exiting, as payment for an immigration charge.

He added, "In total, every foreigner that pretends to enter the San Juan River, which is Nicaraguan territory, must pay a total of nine dollars which is entirely authorized a long time ago".

Luis Rodolfo Toruño recalled that the two dollars paid for entering the country and the two dollars for exiting the country have been charged as an immigration fee for a number of years in Peñas Blancas and Guasaule.

The official reiterates that the nine-dollars charged to all Costa Ricans wishing to enter Nicaragua has been established for many years, "but by an omission it was not being fulfilled. Everywhere in the world, foreigners are charged a fee for entering another country and the incoming of Costa Ricans through the San Juan River cannot be the exception".

Toruño revealed that an explanatory document is being prepared in order to disseminate it to the Nicaraguan public as well as to the diplomats at the Costa Rican embassy in Nicaragua explaining why Nicaragua decided to apply the custom charge to Costa Ricans wishing to enter our territory.

Ticos cry out

Meanwhile, La Nación of Costa Rica published that in the last two weeks, Costa Rican boatmen and neighbors of the San Juan River assured authorities that Nicaraguans are charging an additional two dollars for traveling along the river.

"In this manner, the total charge that Costa Rican passengers must pay has been raised to nine dollars in order to be allowed to enter the river, claimed boatmen and residents from Sarapiquí", explains the story.

La Nación states that nine dollars are charged at the control post established by the Nicaraguan Department of Immigration facing the mouth of the Sarapiquí River.

Although no Nicaraguan officer referred to the matter at the San Juan, last Sunday, the head of the Nicaraguan Immigration Office at the Peñas Blancas border zone, Gustavo Peterson, admitted that an additional tax had been established during the weekend, states the newspaper.

"Peterson limited himself to saying that it was related to a decision made by his superiors and that it was being applied in all Nicaraguan entrance points", adds the report.

Costa Rica's Foreign Affairs Minister, Roberto Tovar, stated that he was not aware of this, since his office had not been notified by the Nicaraguan authorities.

For now, the Costa Rican newspaper states, the consequences of the new charge are already affecting the local boatmen.

Giovanni Navarro and Pablo Hernandez, who both filed complaints, admitted that since the measure has been in effect, residents from Puerto Viejo and nearby communities have decided to suspend their weekend trips to Barra del Colorado and Tortuguero.

Economically speaking, this past year has not been a good one for the owners of Costa Rican vessels that offer "tours" from Puerto Viejo de Sarapiquí to Barra del Colorado and Tortuguero, in the Caribbean.

For boatman Pablo Hernandez, the adversities began in April 2001, when the Nicaraguan Army, without any warning whatsoever, forced them to pay an additional \$25 to the one thousand colones that they already were paying.

According to La Nación, Hernandez ascertained that raising their fees in order to cover the price increase, has led to a decrease in national tourism. Now with the \$9 charged to passengers, the situation has become worse.

Annex 176

“Costa Rica defends dialogue”
in *Al Dia*, San José, 17 June 2002

TRANSLATION

COSTA RICA DEFENDS DIALOGUE (Extract)

AL DÍA, San José, Monday, 17 June, 2002

Nicaraguan Congressmen Turn Down the Arrangement for the San Juan River.

Costa Rica's government said yesterday that although liberal and sandinista congressmen of Nicaragua are opposed to a settlement between Managua and San José of the dispute over the San Juan river, "the road to dialogue" to reach an agreement is already open, in spite of diverging criteria.

The intention of Nicaraguan president, Enrique Bolaños, of finding a prompt solution to the conflict with Costa Rica because of free navigation in the San Juan River, meets legislative rejection in his country.

When questioned on this issue, Costa Rica's Minister of the Presidency, Rina Contreras, said that the government "opened the road to dialogue with its Nicaraguan counterpart, they respect diverging positions, and they expect to find a prompt solution to the conflict".

However, Nicaraguan legislators said yesterday in Managua, that Bolaños cannot make verbal agreements with Costa Rica to allow armed Costa Rican guards to navigate in the San Juan River.

Last Friday, in a breakfast meeting with foreign correspondents, Bolaños said that Costa Rica has never questioned Nicaragua's rights over the river, and that his government would allow Costa Ricans to navigate in it.

The president implied that his government is willing to reverse the prohibition, without signing any agreements. "I do not know how this will be done, but it would be by mutual agreement... as it was done before the problem", he said.

Sandinista congressman, René Núñez, told the morning paper La Noticia de Managua that he disagreed with Bolaños.

The National Congress, he said, will oppose that verbal agreement suggested by Bolaños to settle the conflict with Costa Rica. "Bolaños' proposal attempts against the country's sovereignty", he said.

Liberal congressman, Wilfredo Navarro, first vice-president of the National Congress, also lashed out against an eventual verbal agreement between both

countries. "No armed tico will navigate in our river, because it goes against our sovereignty and offends our national dignity", he declared.

(...)

Annex 177

“Neighbours in the San Juan River Feel Defenceless”
in *La Nación*, San José, 22 June 2002

TRANSLATION

NEIGHBOURS IN THE SAN JUAN RIVER FEEL DEFENCELESS (Extracts)

LA NACIÓN, San José, Saturday 22 June, 2002

Prohibition to police passage

• They are disappointed that Nicaragua charges for navigation

While the Costa Rican government detracts importance from the San Juan River dispute with Nicaragua, neighbours in the river area feel unprotected due to the absence of Costa Rican police.

In addition to the lack of security, neighbours feel defenceless before the fees charged by Nicaragua for use of the river.

La Nación toured the river on Tuesday and Wednesday of this week and gathered first hand testimony from the neighbours in the area.

The inhabitants of settlements such as Palo Seco, Cureña or Fatima feel that their security has withered since 15 July, 1998, when the Nicaraguan government forbade the Costa Rican civil guards from transiting on the river with their service arms.

“Before, our police would visit us almost every day; now up to two months pass by and we just do not see them”, manifested Carlos Rugama Guzmán, a neighbour of Fatima.

Transiting on the river was not only important for supplying 7 police posts, but also for guarding the Costa Rican river bank which comprises 130 kilometres of natural border.

Until July 1998, the passage of Costa Rican police on the San Juan River had been a usual practice for many years, in mutual agreement with Nicaragua.

In fact, the Public Security Ministry has recorded 402 trips for supply purposes.

Missions of Mud

After Nicaragua’s decision, supplying the guard posts to the west of the Sarapiquí River mouth is now done by land.

Taking supplies and relieving the guards every two weeks has become an extremely difficult task at the Delta Costa Rica, Puerto Lindo and Barra del Colorado Southern and Northern.

The operation which previously lasted one or two hours now requires a minimum of 6 hours, if the rain and trails allow.

At least three patrol vehicles have turned over and often the police are forced to continue the journey on foot, carrying food, clothing and their arms.

Access to the post on the mouth of the Sarapiquí, is possible without having to cross the San Juan River but its police must walk through the mountains when they need to run errands or deliver subpoenas.

For example, in order to reach Cureña, the journey lasts a day and a half and if it rains they must wait for the tides from various rivers to recede.

This must be all done on foot since they do not even have a horse, according to Ramón Godínez, head of the post.

However, if the journey is done on the San Juan, it would not last more than 30 minutes.

"If there is an emergency due to a natural disaster or committed by someone, it would be impossible for us to respond quickly", emphasized Godínez.

In order to reach Cureñita de Sarapiquí, it can only be done through the San Juan River. The guard post located there, known as Delta 14, was closed down two years ago.

(...)

Charges

The Cañas-Jerez Treaty of 1858 guarantees Costa Ricans the free transit on the river, but it is already common for Nicaraguan authorities to charge people \$9 (3.222 Colones) for navigating on the river

In addition, all vessels must pay 1.000 Colones.

Flora Arguedas and her daughter Jacqueline Campos, who live in San José, were travelling to Barra del Tortuguero on Tuesday on the vessel *Tarkan* and they had to pay \$2.00 for entering the river, \$2.00 for exiting and \$5.00 for the required tourist card.

They stated that the charge is an abuse by Nicaragua: "We, Costa Ricans have the right to free navigation", they claimed.

William Rojas, president of the Tourism Chamber of Sarapiquí, considered that the imposition of that charge discourages the presence of national tourism in their region and assured that in fact a number of excursions have been cancelled because of the elevated costs.

Voices on the River

Police and neighbours tell the difficulties that they face living under Nicaraguan restrictions on the San Juan River.

The officers are worried about the difficulty in reaching their posts and perform their duties; neighbours complain about being abandoned by the government.

Torture

Felix Amador, police officer of Delta Costa Rica.

"Each personnel relieve, either going or returning, is simply torture given all the difficulties that we must face due to the disastrous state of the Caño Zapata-Puerto Lindo de Pococí roads.

"On occasions we have lasted up to seven hours travelling from Puerto Viejo de Sarapiquí to Delta Costa Rica".

Tied

Ramón Godínez, head of the Costa Rican post at Boca Sarapiquí in the province of Heredia.

"In this area all the commissions, such as delivering subpoenas, we must do them on foot, walking through mountain trails and crossing rivers".

"Under these circumstances we feel that we are tied since our mobility capacity is quite reduced".

Almost Never

Juan Guzmán, farm owner in Fatima de Sarapiquí, Heredia.

"Since the Costa Rican police cannot travel upstream or downstream on the San Juan, we as neighbours in these settlements feel less protected".

“Residents such as myself miss the times when the patrol boat from the Public Security Ministry would remain at the edge of the river ready to answer any call in order to transport a wounded or sick person”.

Marginated

Dianey Gómez, school teacher at Cureña de Sarapiquí.

“In order not to depend on the San Juan, the Costa Rican government must build roads parallel to the river margin”.

“We cannot continue to be oppressed by the whims of the Nicaraguan authorities that control our right to free navigation guaranteed by the Cañas-Jerez Treaty at their convenience. “Historically, the government has not listened to us”.

(...)

Annex 178

“The San Juan Frozen”
in *La Prensa*, Managua, 27 September 2002

TRANSLATION

THE SAN JUAN FROZEN

LA PRENSA, Managua, Friday 27 September, 2002

- **Nicaragua and Costa Rica agree to suspend for three years claims and lawsuits regarding the San Juan River**
- **Bolaños predicts that at the end of this term neither neighbouring country will need to resolve their differences in the courts**

The government of Costa Rica undertook yesterday to set aside for three years any action or claims against Nicaragua in the international courts of justice over disagreements related with the San Juan River, located in Nicaraguan territory.

This moratorium, agreed to by the Presidents of Nicaragua and Costa Rica, Abel Pacheco and Enrique Bolaños, is to provide more opportunity for dialogue and to strengthen the friendship between both nations, confirmed Nicaraguan Foreign Minister Norman Caldera.

The bilateral agreement has seven points and was signed during an extraordinary summit of the Central American presidents in Alajuela, Costa Rica, where Nicaragua also committed to freeze for three years its actions in response to an eventual accusation at the International Court at The Hague.

President Bolaños stated, in San José, that “we always acknowledge the International Court and precisely what we are doing now is establishing a standstill period, but I am certain that in three years Nicaragua and Costa Rica will not need to have recourse to any court”.

The declaration by both governments states that “Nothing in this Agreement shall be interpreted or prejudged as being a renunciation of positions or a relinquishment or weakening of the rights which each of the Parties holds and retains in accordance with existing treaties in the framework of international law.”

What Costa Rica and Nicaragua immediately eliminated are their charges for bordering vicinal transit, which depends on vicinal permits.

In other business, the Central American presidents subscribed an agreement to establish the headquarters of the regional energy regulator entities in Guatemala, and negotiate the location of the electrical companies in El Salvador or Honduras.

Foreign Minister Caldera informed that all of isthmus' presidents agreed to modernize the Central American Economic Integration Bank (BCIE) by January 1, 2003 in order to present a united front during the Free Trade Agreement negotiations with the United States (CAFTA).

The Reservation

Nicaragua rejected the jurisdiction of the International Court of Justice at The Hague for the San Juan River case originating on treaties or arbitral awards emitted before December 31, 1901.

During this period, the Cañas-Jerez Treaty of 1858 and the Cleveland Award of 1888 were subscribed, establishing Nicaragua's sovereignty over the San Juan River and Costa Rica's right to navigate on the river only for commercial purposes.

Costa Rica and Nicaragua agreed, yesterday, to a standstill period of three years, with the hope that afterwards it will not be necessary to have recourse to any court, as explained by President Enrique Bolaños.

No more fees

Nicaragua and Costa Rica agreed to eliminate immigration charges starting next January 1st. Nicaraguans would cease to pay the 20 dollars visa fee to Costa Rica and Costa Ricans would not need to pay the immigration card to Nicaragua.

Annex 179

“A river of calm and fees”
in *La Nación*, San José, 14 May 2003

TRANSLATION

A RIVER OF CALM AND FEES

LA NACIÓN, San José, Wednesday 14 May, 2003

Only those residents of the San Juan River who are well-known by the Nicaraguan authorities are not required to pay the fee they charge.

Everyone else must pay \$5 for a tourist card and \$4 for “entering and exiting the river”, even if they never set foot on Nicaraguan land.

A group from *La Nación* navigated along the San Juan yesterday from the mouth of the Sarapiquí River up to the San Juan Delta and confirmed that they had to pay the Nicaraguan taxes like any Costa Rican who did not live along the river bank.

Boatman Gerardo Gonzalez stated that he hoped that Costa Rica would convince Nicaragua to eliminate these charges since fewer tourists have been visiting the area from 1998.

In addition, Nicaragua raised the cost of the navigation permit from 2.000 to 4.000 colones for boatmen.

Before 1998, these charges did not exist, stated Gonzalez.

Cordial

Although the prohibition against the navigation of Costa Rican police was imposed five years ago, Costa Rican and Nicaraguan authorities maintain a cordial relationship.

“We have a great collaborative relationship. There is zero conflict”, emphasized Costa Rican Public Safety Minister Rogelio Ramos.

The Nicaraguan army even gave the Costa Rican police materials to rebuild one of the four guard posts on the river.

Since 1998, these guard posts have received their supplies by land every 15 days.

“It is complicated, but this problem isn’t the end of the world”, commented the Minister.

However, neighbours wish to have greater police presence in the area, since they fear crime and the transit of strangers along the river.

Annex 180

“Charge for Ticos travelling on the San Juan reinstated”
in *El Nuevo Diario*, Managua, 7 May 2004

TRANSLATION

CHARGE FOR TICOS TRAVELING ON THE SAN JUAN REINSTATED

EL NUEVO DIARIO, Managua, Friday 7 May, 2004

Complains from residents who own properties on the border

Boca San Carlos (Northern Border) On 1 May, the Nicaraguan Army reinstated a “toll” for Costa Ricans living on the bank of the San Juan River for navigating on the river, complained various affected residents to the Public Force.

They demand that each of the residents who need to travel to their properties located on the Costa Rican side of the San Juan River pay 700 colones.

This situation has been going on, even though on 26 September, 2002, the governments of Costa Rica and Nicaragua signed an agreement that eliminated “any charge that would affect the free border vicinal transit”.

This agreement was included in the same document in which Costa Rica accepted to postpone any type of international court process in order to resolve the differences arising from armed Costa Rican police navigation on the San Juan.

Since 1998, Managua has impeded such transit on the river.

The Cases

La Nación knew of various cases that have occurred at the Army post at the mouth of the San Carlos River.

Last Saturday and Monday, Jason Hernandez Vergas needed to travel 600 meters along the San Juan from Boca San Carlos to his farm as he does every day. When he reported at the Army post he was charged a toll of 700 colones.

According to Hernandez, when he reached the post, they requested the payment and told him that they will continue to charge everyone the fee “due to orders from their superiors”.

“We never expected this since they (Army members) frequent the shops at Boca San Carlos and no one says anything to them”, stated Hernandez.

Luciano Santana, a resident from Cureña de Sarapiquí – Heredia- was also surprised on Saturday after he was charged the “toll” of 700 colones in order to navigate the river.

Santana denounced the situation to the Pital public force post.

He told police delegate Victor Julio Vargas that a sergeant surnamed Chavez informed him of the toll when he went to report his entrance to the river.

The Nicaraguan officer also indicated that he was doing it under “orders from his superiors”. Vargas stated that he would inform his superiors at the Ministry of Public Security.

Most of the Costa Ricans living on the San Juan River bank use the river on a daily basis as a route for reaching their properties since many communities do not have another access route. The longest distance that they travel is six kilometres.

Their documents were confiscated

Saturday at noon, Victor Valverde, Walter Rodriguez and Alexis Picado were traveling on the Costa Rican bank of the San Juan River in Tiricias de Cutris, San Carlos when they were intercepted.

A group of inspectors from the Nicaraguan Ministry of Environment and Natural Resources (MARENA / Spanish acronym) detained them and confiscated two ice boxes, a fishing rod, a bag with clothing and all of their personal documents.

They penalized the group of Costa Ricans for intending to fish in the waters of the San Juan River. However, upon denouncing the incident to the Costa Rican authorities, the affected party assured that as they did many other times, they were heading to a nearby canal on the Costa Rican side where they use to fish.

The group explained that they were told by the employees from Marena to retrieve their personal documents at the Marena post in the Nicaraguan community of El Castillo.

Rolando Potoy, head of the Police Force at Los Chiles, confirmed to La Nación, that they had received the complaint from the three men.

Annex 181

"The Northern Border: An open door for drug dealers"
in *La Nación*, San José, 13 June 2005

TRANSLATION

THE NORTHERN BORDER: AN OPEN DOOR FOR DRUG DEALERS (Extracts)

LA NACION, San José, Monday, 13 June, 2005.

Traffickers use more than 20 “blind passages”

**Scarce police presence in 330 km of border line with Nicaragua
Paths and rivers help to evade antidrugs base in Peñas Blancas**

Northern Border. During the last few years, more than 330 Kms of the border with Nicaragua has turned into a huge open door for drug dealers to the North.

The almost non-existent presence of police officers in the border line and the several paths, rivers and private landing strips that nobody controls, favour drug dealers.

In this vast border strip there are over 20 “blind passages”, through where not only drugs are secretly smuggled, but also guns, clothes, and cattle.

The vulnerability of the zone is greater, because of the complicity of some farmers that lend their properties for smuggling activities.

(…)

Fátima Flores, second commander of the Police in Rivas, Nicaragua, spoke clearly:

“There are at least 20 “blind passages” to cross from one country to the other. Highly-pure drugs of are being smuggled from Costa Rica.”

The facts proved she is right. Two months ago, the Police in Rivas, arrested seven men with 130 kilos of cocaine in three light trucks, in the municipality of Cárdenas, bordering with Costa Rica.

Free passage. The most vulnerable border area is a stretch that goes from Peñas Blancas to Santa Elena, and La Virgen de la Cruz, in Guanacaste.

This is an area of more than 50 Kms along the border, with weak police presence.

All this vast territory must be patrol by one police officer, who does not have a vehicle.

For Noel Guerrero, chief of the Northern Command of the Public Force, the lack of personnel, transportation, and communication equipment, complicates the situation.

(...)

"Strange things happen here; a long time ago we could hear small airplanes at night and at dawn that seemed to be trying to find the beach of the lake", told Antonio Solórzano, a Nicaraguan that lives near the lake of Nicaragua.

In the case of Los Chiles, only 10 police officers are distributed in five posts along the 58 Kilometres that this canton of Alajuela shares with Nicaragua.

Last year, more than 100 kilos of cocaine, which the Nicaraguan police confiscated in Santa Rosa de Rio San Juan, were smuggled through the sector of La Trocha de Los Chiles.

By water. The coastal towns in the Pacific also have very little police surveillance.

In El Jobo, Puerto Soley, and Cuajiniquil most of the boats make trips without a sailing authorization, because there are no police officers there.

"It is common to see boats of Nicaraguan flag at night. Here nobody watches, nobody controls", admitted one police officer.

In Los Chiles and San Carlos there is no control over the Medio Queso and Pocosol rivers, which flow into in the Nicaraguan San Juan River.

Only 15 men to cover 48 kilometres

Upala, Alajuela. Going from this canton, that stretches along 1.580 Km², to Nicaraguan territory by land or by water, is easy.

There are many "blind passages", and in contrast, very little police officers in control posts.

This explains why it is common to find contraband of cattle, clothes, medicines, grains, and a wide range of merchandise.

Upala shares with Nicaragua, 48 kilometres of linear border line, that have to be covered by 15 Costa Rican police officers, in a ratio of three officers for each of the surveillance posts in the zones of San José, El Delirio, Delicias, México, and San Isidro.

(...)

The water route is very favourable, because the Niño and the Zapote rivers, which are navigable all year round, flow into the Gran Lago.

In the case of the Niño River, the only control post is in the locality of San José, where there are informal docks.

Then, during the 1-hour boat trip, until you reach Nicaraguan soil, you will not see one single police officer.

The same happens with the Zapote River, used as a secret passage by Nicaraguan fishermen and hundreds of undocumented migrants.

"We need personnel and most of all a boat to get into those areas", claimed Heiner Araya, the local second commander.

Annex 182

“The Army guards the river”
in *La Prensa*, Managua, 1 October 2005

TRANSLATION**THE ARMY GUARDS THE RIVER
(Extract)**

LA PRENSA, Managua, Saturday, 1 October, 2005

San Juan River, Managua, and San José. Intercept, capture or open fire, is the order received yesterday by the Nicaraguan surveillance patrol in the San Juan River, in case a vessel with Costa Rican armed guards is sighted.

Yesterday, Colonel Ricardo Sánchez, chief of the Southern detachment, ordered the boat of the National Army, hoisting the blue and white Nicaraguan flag, to sail on a mission to protect the sovereignty of the San Juan River. The vessel strengthened the Nicaraguan military posts in El Castillo, Bartola, Boca de San Carlos, Sarapiquí, Delta, and San Juan de Nicaragua.

Captain Justo Josué González, chief of the border zone and of the surveillance patrol in the river, sailed at noon, on Friday, with a contingent of armed soldiers and the necessary ammunition to fulfil his mission.

Colonel Sánchez said that this measure would not affect the routine of local residents or tourists.

“We will see that the right of sail is observed, and there is no problem if Costa Rican boats navigate in the river; for commercial purposes, or if they bring tourists. But, we will not tolerate that Costa Rican guard enters armed”, warned the military chief.

(...)

Annex 183

“In alert”
in *La República*, San José, 2 October 2005

TRANSLATION**IN ALERT**

LA REPUBLICA, San José, Saturday 1 October, and Sunday 2 October, 2005.

Members of the Nicaraguan Army perform manoeuvres in Managua. After Costa Rica presented the case for the San Juan River before the International Court of Justice in The Hague, Enrique Bolaños, President of that country, ordered not to permit "under any circumstance" that Costa Rican guards navigate armed on that waterway.

Annex 184

"We can stop the case"
in *El Nuevo Diario*, Managua, 2 October 2005

TRANSLATION**"WE CAN STOP THE CASE"**
(Extracts)

EL NUEVO DIARIO, Managua, Sunday 2 October, 2005

Norman Caldera, Nicaraguan Foreign Affairs Minister:

(...)

Remittances and Human Rights

The Nicaraguan Parliament also has its own initiative of taxing Costa Rican imports as a response. Do you believe that this will help bilateral understanding, independently of the trial?

We are asking the Assembly to look at this matter since there are many reasons for which different measures may be taken. When measures are taken as a reaction to a court lawsuit, that same Court may interpret it as if the measures were being taken against it.

We have to see what measures can be taken based on other points of view so it is not interpreted that we want to punish the Court for having accepted the case. What we could achieve with measures like this is to make the Court hostile.

(...)

Annex 185

“Nicaragua conditions passing of Costa Rican vessels”
in *La Nación*, San José, 16 October 2005

TRANSLATION

NICARAGUA CONDITIONS PASSING OF COSTA RICAN VESSELS (Extract)

LA NACIÓN, San José, Sunday 16 October, 2005

Conflict for the navigation on the San Juan River

Starting tomorrow, it will be required that the Nicaraguan flag be visible. In addition, Nicaraguans will request Costa Ricans living in the area to present identification.

Boca San Carlos, Northern Border. Starting tomorrow, Costa Rican vessels transiting on the San Juan River will be required to carry the Nicaraguan flag in a visible area.

The measure was communicated verbally to vessel owners last Thursday by the Nicaraguan Military based in front of the Boca San Carlos village on the Northern border.

Also, local residents must present identification documents each time they enter or exit the river, on which they depend for agricultural, commercial and other activities

The unexpected decision applies to all inhabitants, notwithstanding if they are minors or adults.

This affects those people who live in small villages such as Boca San Carlos, Chorrera sand Caño Jardín de Cutris, Ochoa, Cureña and Remolinito de Sarapiquí.

First time: Many of the affected people stated their surprise at the measure. "They caught us by surprise since after more than five decades of living here, this is the first time that these requirements are forced upon me", stated Jorge Morales, an officer at the Boca San Carlos Development Association.

Morales, who has a farm in Chorreras, 10 km from his house, called the resolution arbitrary and revealed that he is not willing to follow it even if it means abandoning his property.

Zoraida Lopez confirmed that the military told her husband, Eddy Martínez that each time he transported 16 young people from Cureña, who study at the

Telesecundaria at Boca San Carlos; he must place the Costa Rican as well as the Nicaraguan flag (blue and white) on his boat.

"If you he does not do it he could be fined or forbidden to travel", commented Lopez

She added that she was truly worried: "First, due to the fact that my husband needs to travel every day. Second, because we do not have another way for traveling to Boca San Carlos save the San Juan and, third, it is impossible to find a Nicaraguan flag in this area".

The closest Nicaraguan community is El Castillo, three hours by boat and the expense for gas is around 22,000 Colones.

Separately, Jose Ramirez interprets the events taking place as reprisal by the authorities from the neighbouring country due to the measures taken by Costa Rica to take the river conflict to the Court at The Hague.

"It's really bothersome to request documentation from us who have always lived here and who sometimes navigate no more than one kilometre", he stated.

Testimonies

Ridiculous

Name: Jorge Morales

Age: 48

Profession: Member of the Association in Boca San Carlos

"It is ridiculous that they force my small, old boat to carry the flag since I have always lived here. The Nicaraguan authorities have gone too far".

Dignity

Name: Victor Acuña

Age: 48

Profession: Farmer

"I'd rather not enter the San Juan River anymore before accepting this measure. This isn't an act of rebelliousness or of belittling the Nicaraguan flag. Nevertheless, for me it is a question of national dignity".

Injustice

Name: Jorge Espinoza

Age: 52

Profession: Farmer

"It's just a foolishness from the Government of Nicaragua who wants to be "a pain" since it is impossible to find a Nicaraguan flag in this country".

No Way Out**Name: Zoraida Lopez****Age: 48****Profession: Housewife**

"If they make us put the flag we have no choice but do it because they are the boss here. But...where will we find one?"

(...)

Annex 186

“Costa Rican vessels will bear the Nicaraguan Flag”
in *La Prensa*, Managua, 17 October 2005

TRANSLATION**COSTA RICAN VESSELS WILL BEAR THE NICARAGUAN FLAG**

LA PRENSA, Managua, Monday, 17 October, 2005.

Costa Rican vessels navigating on the San Juan River will have to bear the Nicaraguan flag according to an order by the Nicaraguan Army, informed Colonel Ricardo Sanchez, and head of the Southern Command.

This provision has caused unconformity of the Costa Ricans living near the river bank, indicated a report by the AP international news agency.

Colonel Sanchez stated that no vessel had been forbidden from entering or transiting on the San Juan River, but they are being charge the national sail authorization which is 20 cordobas as well as the international one which costs five dollars or its equivalent in colones.

For example, he stated that on Friday 14 of this month, 12 Costa Rican vessels and 7 Nicaraguan vessels entered the river with 67 Costa Rican citizens and nine U.S. citizens.

"We are forcing the owners of the vessels (which have a flag staff or pole to hoist the Nicaraguan flag", signalled the military chief.

Costa Rican Jorge Morales, from the Boca San Carlos Development Association complained because after living in the river bank for five decades, it is the first time that such requirement is demanded.

Alfredo Cordoba, Mayor of that region, will present a complaint to the Foreign Affairs Ministry in Costa Rica. He believes that this decision is in retaliation due to the lawsuit presented by Costa Rica at the Court in The Hague in 1998 after police from his country were forbidden from navigating on the river with arms.

However, Colonel Sanchez assured that this is one of the measures that must be complied with to protect the sovereignty of the San Juan River.

The Army reinforced the vigilance at the Nicaraguan military posts in El Castillo, Bartola, Boca San Carlos, Sarapiqui, Delta and San Juan de Nicaragua.

Annex 187

"Nicaragua conditions passing of Costa Rican vessels"
in *El Nuevo Diario*, Managua, 17 October 2005

TRANSLATION

NICARAGUA CONDITIONS PASSING OF COSTA RICAN VESSELS

EL NUEVO DIARIO, Managua, Monday, 17 October 2005

Conflict over navigation on the San Juan River

- Starting tomorrow, a Nicaraguan flag is required to be carried
- Moreover, Nicaraguans will require identification from inhabitants

Boca San Carlos, Northern Border. Starting today, Monday, transit of Costa Rican vessels on the San Juan will be subject to the condition that they carry a Nicaraguan flag in a visible place.

The requirement was informed verbally last Thursday to the owners of vessels by the Nicaraguan military posted in front of the community of Boca San Carlos, in the northern border.

Moreover, the inhabitants will have to present their identification documents each time that they need to enter or exit the River, on which they depend to carry out their agricultural, commercial and other activities.

The unexpected decision is applied to all inhabitants, regardless of whether they are minor or of legal age.

It will affect those who live in the small villages such as Boca San Carlos, Chorreras and Caño Jardín of Cutris, Ochoa, Cureña and Remolinito of Sarapiquí.

Several of those affected expressed their surprise over the measure. "We were taken by surprise, because in my almost five decades of living here this is the first time that I am being demanded such requirements", said Jorge Morales, board member of the Boca San Carlos Development Association.

He, who has his farm in Chorreras, some 10 kilometres from his house, described this decision as arbitrary, and said he is not willing to abide by it even if it implies having to abandon that property. Zoraida López confirmed that the military informed his husband, Eddy Martínez, that each time that he transports the 16 youngsters from Cureña that study at the high school in Boca San Carlos he will have to place in his boat both the Costa Rican and the Nicaraguan (blue and white) flags.

"If he does not comply he could be fined or his transit impeded", remarked López.

She added that her concern is threefold: "Firstly, because my husband needs to travel every day. Secondly, because we don't have another way to go to Boca San Carlos that is not through the San Juan, and thirdly, because in this region it is not possible to obtain the Nicaraguan flag". The nearest Nicaraguan community is El Castillo, three hours by boat and the cost of fuel is around the 22.000 colones.

On his part, farmer José Ramírez interprets what is happening as a reprisal from the authorities of the neighbouring country to the measure taken by Costa Rica to take the river conflict to the Tribunal of The Hague.

"It is absurd to ask for papers to those of us who have always lived here, and who sometimes only navigate for a kilometre", he said.

Annex 188

“Ticos will pay for a visa”
in *El Nuevo Diario*, Managua, 19 October 2005

Annex 189

“Nicaragua demands a Visa and Passport on the River”
in *La Nación*, San José, 30 October 2005

TRANSLATION

TICOS WILL PAY FOR A VISA

EL NUEVO DIARIO, Managua, Wednesday 19 October, 2005

A decree already in La Gaceta

- **100 thousand Costa Ricans enter the country each year and the money collected will be used to face the suit against us in The Hague.**

President Enrique Bolaños made the immigration measure official which states that any Costa Rican citizen, who wants to enter Nicaraguan territory, must request a consular visa which costs 20 US Dollars and pay an extra 5 US Dollars which is the cost of the application form as was recently announced by Foreign Minister Norman Caldera.

The official newspaper La Gaceta, in its past edition of 17 Monday, published Decree No. 70-2005, signed by President Bolaños, thereby reforming Decree No. 27-2005 regarding country visas and placing Costa Rica on the visa requirements from Article 3 whose citizens have been placed in Category B since Monday, establishing that, depending on the type of passport they carry, they will require a consular visa for entering Nicaraguan territory.

The decree explains that a Costa Rican citizen who needs to enter Nicaragua carrying an ordinary passport must show a consular visa obtained by paying the corresponding taxes.

Also, the new decree clarifies that all Costa Ricans carrying a diplomatic, official or a service passport is exempt from paying the visa, according to a Joint Agreement between both countries subscribed on January 31, 1993.

It must remember that Foreign Affairs Minister Norman Caldera, upon announcing these immigration measures towards the Costa Ricans, argued that it was a reciprocal measure since each Nicaraguan entering Costa Rican territory had to pay a \$20 visa fee.

In addition, he explained that with such measure, considering that some 100 thousand Costa Ricans enter Nicaraguan territory each year, the funds necessary to allow Nicaragua to face the case presented in The Hague over the San Juan River will be obtained.

At that moment, Minister Caldera indicated that with that measure Nicaragua would not need to impose the patriotic tax of 35 percent to Costa Rican products that enter Nicaragua, an initiative that was proposed by some members of the National Assembly.

TRANSLATION

NICARAGUA DEMANDS A VISA AND PASSPORT ON THE RIVER

LA NACIÓN, San José, Sunday 30 October, 2005

Requirements for traveling on the San Juan

- Upon being notified, neighbors from Sarapiquí referred to the measures as absurd
- They foresee a large drop in the navigation between Puerto Viejo and Barra del Colorado

Puerto Viejo, Sarapiquí. Costa Ricans will not be able to navigate on the San Juan River without a passport and consular visa that costs \$20 (9.820 colones) granted by Nicaragua.

The new demands of the Nicaraguan government began to be verbally communicated last week to the owners of Costa Rican vessels transporting passengers and merchandise between Puerto Viejo de Sarapiquí and Barra del Colorado and Tortuguero in the Atlantic.

Costa Ricans are forced to navigate 22 kilometers on the San Juan, specifically between the mouth or Boca del Sarapiquí and the sector known as Delta San Juan in order to re-enter national waters after entering the Colorado River.

A Nicaraguan immigration official covering the mouth of the Sarapiquí personally communicated the new requirements to boatman Geovanni Navarro, a resident of Puerto Viejo.

"Last Sunday he told me that on my next trip, in addition to carrying the Nicaraguan flag, I had to present both documents – a passport and a visa- the same as the passengers and if not he would not allow me to continue my trip", Navarro told *La Nación*.

The carrier, Santos Arrieta, received the same warning, but yesterday those who were navigating between Bocas San Carlos and Boca Sarapiquí did not know it.

Damage. In Puerto Viejo where 18 boatmen have their operations base, the Nicaraguan measure has caused great concern due to the negative repercussions it would represent for them.

Pablo Hernandez stated that if Nicaragua forces them to pay, in addition to the \$9 (4.419 colones) as was established in 2002, a \$20 visa; the transportation costs would become very expensive; as a result, fewer nationals from other regions will come to the area.

"The arrival of visitors dropped by 80 percent since the \$9 charge was imposed; now things are worse which could lead to our ruin", said Hernandez.

Testimony

Uncertainty

Name: Geovanni Navarro

Age: 33 years-old

Nationality: Costa Rican

"If the government does not intercede for us, there will be no other choice but to comply with the Nicaraguan demands. If not we will be left without a source of income. We feel that the Government has abandoned us and that is why we are asking the Foreign Ministry to intervene."

Annex 190

“Costa Rican Foreign Affairs Minister seeks dialogue regarding visas and flags”
in *El Nuevo Diario*, Managua, 1 November 2005

TRANSLATION**COSTA RICAN FOREIGN AFFAIRS MINISTER SEEKS DIALOGUE
REGARDING VISAS AND FLAGS**
(Extract)

EL NUEVO DIARIO, Managua, Tuesday 1 November, 2005

Problems with the San Juan and the New Immigration Law

The Costa Rican Foreign Affairs Minister Roberto Tovar affirmed that he would speak with his Nicaraguan counterpart Norman Caldera in order to address certain situations that he feels are worrisome after his country decided to take the San Juan River conflict to the International Court of Justice at The Hague. Among them, a visa fee and requiring Costa Ricans traveling on the San Juan River to carry a passport. In addition to this, boatmen are required to hoist a Nicaraguan flag on their vessels if they want to transit on the river.

Although these measures have not been officially communicated, certain news media already consider it a fact given that the boatmen and residents from the area have been told so by Nicaraguan authorities.

The newspaper La Nación published that various boatmen in the area had stated that they had been told that "we should present both documents – a passport and a visa – the same as the passengers, if not; they will not allow me to continue my trip".

In this regard, the Costa Rican Foreign Affairs Minister said that he was confident that this situation would be resolved through dialogue, given that, if true, this measure could be detrimental to the residents who consuetudinary have used this waterway.

(...)

Annex 191

"Ticos claim 'new and additional rights'"
in *El Nuevo Diario*, Managua, 4 November 2005

TRANSLATION

TICOS CLAIM “NEW AND ADDITIONAL” RIGHTS

EL NUEVO DIARIO, Managua, 4 November 2005

One of them being that their police sail the San Juan armed

- **Agent of Nicaragua before The Hague states that they are still trying to impose the transportation of passengers and tourists.**
- **He does not believe that the International Court will diminish the principle of sovereignty upon which the international legal order is based.**

The ticos claim new and additional rights over the San Juan River before the International Court of Justice, “which are not contemplated within the Jerez-Cañas Treaty of 1858”, revealed the Agent of Nicaragua in the Hague for the case of Costa Rica, Mauricio Herdicia Sacasa.

The jurist stated that among those rights Costa Rica intends to have over the San Juan River, it stands out the ridiculous intention of allowing their policemen to sail the river armed in Nicaraguan sovereign territory.

He adds that another intention is the transportation of passengers and tourists also in “Nicaraguan sovereign territory” and finally intends to overlook the control and jurisdiction mechanisms which Nicaragua, as sovereign, has the right to exercise in all of the national territory.

“The aforementioned basically summarizes the three approaches expressed by Costa Rica. The most important issue here is that none of those approaches is based on any legal ground within the Jerez-Cañas Treaty or within the Cleveland Award”, he stated.

“On the contrary,” added the specialist, “the Jerez-Cañas Treaty only gives Costa Rica the limited right to navigate for commercial purposes which does not include tourism or the transportation of cargo and passengers.”

He also added that Nicaragua should not feel insecure at all about its position since its strong position is based on the text of the Jerez-Cañas Treaty itself, signed in 1858, and on the Cleveland Award.

“Under no ground”, he considered, “we believe that a Court like that of The Hague will minimize the principle of sovereignty which is the fundamental basis upon which the international legal order rests”.

The prestigious jurist remembered that under Article VI of the Jerez-Cañas Treaty, Nicaragua has on an exclusive manner the dominium and sovereign jurisdiction as reflected by the Treaty itself; therefore, we have the rights, authority and jurisdiction inherent to the territorial sovereign, which includes the right to exercise control, jurisdiction, defense, protection, security and conservation over the San Juan River.

Claims are groundless

Doctor Herdicia considers that those new and additional rights which Costa Rica intends to obtain over the San Juan River "are alleged rights with no ground in the relevant treaties".

"Even more," he stated, "when the case presented by Costa Rica is referred to a treaty of limits. We cannot forget that the Jerez-Cañas Treaty is a treaty of limits that separates the respective sovereignties and jurisdictions of both countries".

"It is, therefore, very delicate to alter this balance established over a century ago where both parties created a whole system of benefits and counter-benefits, whose balance cannot be altered in any way."

He expressed that Nicaragua has a central point. "The San Juan River is a national river; it is a river where the exclusive sovereignty is recognised, therefore, that holds a lot of weight before the International Court of Justice, specially taking into account that the issue of sovereignty is a fundamental factor upon which international law rests.

"Nicaragua has a solid position. It is a strong position under international law and the instruments. If one reviews the Jerez-Cañas Treaty and the Cleveland Award, under no ground you will find that (the alleged right of the *tiquillos*) applies either to armed navigation or transportation, and even less to the navigation of tourists," he recalled.

He pointed out that the treaty is limited "only and exclusively for navigation with commercial purposes in a small area of the river. Everything beyond that is an affront to Nicaraguan sovereignty; it means breaking the delicate balance stated in the Jerez-Cañas Treaty," he expressed.

"Nicaragua has historically maintained a negative position about the possibility that the Jerez-Cañas Treaty and the Cleveland Award allow any other type of navigation than the navigation with commercial purposes. That has been Nicaragua's historical and traditional position," he added.

"The Jerez-Cañas Treaty and the Cleveland Award closed any possibility forever for Costa Rica to claim new and additional rights to what is already established by the limitations granted in them", he concluded.

Annex 192

“Conflict over the San Juan scares away tourists”
in *La Nación*, San José, 8 November 2005

TRANSLATION

CONFLICT OVER THE SAN JUAN SCARES AWAY TOURISTS (Extracts)

LA NACIÓN, San José, Tuesday 8 November, 2005

- Guards deny passage to 2 electricians that were traveling to repair a Costa Rican hotel
- For the past three weeks there are fewer tours to the Tortuguero Canals.

The transit of tourists towards the Tortuguero Canals in Limón, has been notoriously reduced in the past few days, since many oppose paying the \$34 demanded by Nicaragua for navigating on the San Juan River.

As a matter of fact, a Nicaraguan immigration official at the post facing the mouth of the Sarapiquí River, impeded two Costa Rican electricians from traveling, claiming that they were not carrying a consular visa or a passport.

This happened last Friday at 2pm when the Costa Ricans – whose identities were not mentioned – were attempting to reach San Juan del Norte, Nicaragua, in order to repair three of the four electrical plants from the Indio Maiz Hotel, owned by Costa Rican Alfredo Lopez.

Some businessmen stated that this requirement is affecting the trips to Tortuguero through the Puerto Viejo, Sarapiquí and the Delta San Juan route. The trips had diminished severely in the past three weeks, they affirmed.

The reason is that national tourists are not willing to pay the \$25 for the consular visa or the \$9 additional that they are charged for entering and exiting the neighboring country to the North.

“This is the clearest reflection of how the negative effects are starting to be felt regarding the requirements that we ticos must comply in order to be allowed to transit”, stated Jorge Rodriguez a boatman.

Pablo Hernandez, another boatman, remembered that Sarapiquí and Tortuguero’s economies depended heavily on tourism and that the moving away of visitors would bring economic problems.

Hard. Businessman Alfredo Lopez, whose company owns the Indio Maiz Hotel, confirmed the incident with the technicians who, he clarified, have been traveling along the San Juan for the past four years and that previously, the Nicaraguan posts had just required their identity documents (cédulas).

(...)

The restrictive measures of the Nicaraguan authorities were imposed after Costa Rica presented a claim at the International Court of Justice at The Hague in Holland against Nicaragua over the navigational rights on the San Juan River.

In addition to the possibility of placing a tariff on Costa Rican products, a visa fee was imposed as a manner of controlling those who navigate on the river.