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Letter dated 5 November 2010 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

I have the honour to transmit to you the:

- Statement made on 3 November 2010 by the President of the Republic of Costa Rica, Laura Chinchilla Miranda, on the violation by Nicaragua of the territorial integrity and sovereignty of Costa Rica (see annex I); and
- An account of recent developments in the dispute, up to 5 November 2010 (see annex II).

I should be grateful if you could circulate this note and its two annexes as documents of the General Assembly under agenda items 10, 15, 18, 24, 25, 33, 42, 70 and 74.

(Signed) Eduardo Ulibarri
Ambassador, Permanent Representative



Annex I to the letter dated 5 November 2010 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

Statement by the President of Costa Rica, Laura Chinchilla Miranda, on the violation by Nicaragua of the territorial integrity and sovereignty of Costa Rica

(National radio and television, 3 November 2010, 8 p.m.)

Costa Ricans,

We are a peaceful country and this is what makes us stand out in the concert of nations and what we have cultivated throughout our history.

The unilateral decision to abolish the army allowed us to increase social spending and thus to have more social peace. When we are faced with situations like the one prevailing recently at the frontier with Nicaragua, it behoves us to act in accordance with our tradition of peace.

Armed forces of Nicaragua invaded Costa Rican territory and remain on Calero Island in the province of Limón. They set up military camps there, raised the Nicaraguan flag, destroyed woodland in a protected area and discharged sediment causing considerable harm to the environment. These actions can only be described as a serious violation of our sovereignty, of the integrity of our territory and of our environmental heritage.

The arguments put forward in the heat of the action by Nicaragua, sowing doubts about the frontier limits, are merely baseless words.

The geographical maps of the two nations clearly show the limits and these invaded lands are ours. The Nicaraguans are flagrantly disregarding the Cañas-Jerez Treaty. I tell them again: these are Costa Rican lands.

We face the major challenge of responding to this aggression with wisdom and good sense.

But let there be no doubt: we shall remain firm and strive to ensure that justice is done. This is our force: the force of reason and not the force of arms.

We cannot allow ourselves to be carried away by the profound indignation aroused in us by this undeserved aggression. Our instruments are dialogue and international law, and we are using them. For this reason, we have asked the Organization of American States (OAS) to hear our reasoning and can thus commence the battle awaiting us in the international forums. We are going to guarantee the protection of our sovereignty and of our environment.

To our Nicaraguan brothers and sisters and especially those who live with us, we reiterate our affection and commitment to respect and peaceful coexistence.

Dear men and women of Costa Rica: never before has it been so important for us to be united when aggression and provocation put us to the test. Let us remain calm and firm, amid the indignation aroused in us by these acts. Place your trust and faith in the effectiveness of the actions taken by the Government of the Republic to defend our environmental heritage and our sovereignty.

We are going to defend our right to live in peace.

Good night.

Annex II to the letter dated 5 November 2010 from the Permanent Representative of Costa Rica to the United Nations addressed to the Secretary-General

Violation by Nicaragua of the territorial integrity and sovereignty of Costa Rica

Account of recent events

(up to 5 November 2010)

The Government of Nicaragua has violated the territorial integrity and sovereignty of Costa Rica and has repeatedly taken actions detrimental to the environment in the San Juan River basin.

There are currently Nicaraguan troops on Calero Island, which is Costa Rican territory, recognized as such by official maps of both Nicaragua and Costa Rica. A brief account of the facts of the case is given below:

25 August 2009: The Nicaraguan daily *La Prensa* publishes statements by Virgilio Silva, Manager of the National Port Authority of Nicaragua. He indicates that his country wanted to divert to the San Juan River (Nicaraguan waters but authorized for Costa Rican use for civilian purposes) 1,700 cubic metres per second of the existing flow of the Colorado River, which is entirely Costa Rican. The Colorado River surrounds Calero Island, which is also Costa Rican. Identical statements were attributed by the Associated Press agency to Edén Pastora, the overseer of the dredging project.

27 August 2009: Following these statements, the Costa Rican Minister for Foreign Affairs, Bruno Stagno, sends his Nicaraguan counterpart, Samuel Santos, note DM-637-09. The note specifies that, in accordance with international law and the relevant instruments (particularly the Cleveland award of 1888 and the judgment of 13 July 2009 of the International Court of Justice), Nicaragua cannot execute works in the San Juan River that damage Costa Rican Territory or affect Costa Rica's right of navigation on the river. It also asks Nicaragua to provide studies demonstrating that the proposed dredging would not affect Costa Rica. Nicaragua did not reply to this note.

12 July 2010: Following a further announcement that the dredging work would be starting, the Acting Costa Rican Minister for Foreign Affairs, Carlos Roverssi, delivers note DM-AM-156-10 to Nicaraguan Foreign Minister Santos. The note reiterated the need for Nicaragua to provide Costa Rica with studies demonstrating that the planned works would have no impact on Costa Rican territory and asked that the work should be halted. Nicaragua did not reply to this note either.

October 2010: Members of the Reyes family, which owns the rights to an area known as the Aragón property, located on Portillos and Calero Islands, and other neighbours reported to the Costa Rican authorities activities on Costa Rican soil by Mr. Edén Pastora, the overseer of the dredging of the San Juan River, and Nicaraguan soldiers. The Reyes family reported that, on the pretext of the dredging work, Mr. Pastora and Nicaraguan soldiers entered the Aragón property, forced them out and detained some workers.

18 October 2010: A Costa Rican teacher working in the neighbourhood transmits a note to the President of the Republic, Laura Chinchilla, describing similar developments.

20 October 2010: Following these reports, the Costa Rican Ministry of Public Security, together with the Ministry of Foreign Affairs, organizes a flyover of the area. Photographs and video provide evidence that the Nicaraguan dredger is anchored in the San Juan River, a few metres away from the Costa Rican side of the river, in the area of the Aragón property. Nicaraguan soldiers are observed at the dredging site. Evidence is also provided that a pipeline several metres wide is depositing sediment from the dredging on the Aragón property in the territory of Costa Rica, without authorization.

21 October 2010: In view of these violations of the sovereignty of Costa Rica, the Government submits a protest note to the Government of Nicaragua and sends law enforcement personnel and staff of the Ministry of Foreign Affairs and the Ministry of Environment to the area in order to evaluate the situation. The Foreign Ministry summons the Ambassador of Nicaragua in Costa Rica and delivers protest note DM-412-10 to him. There is no immediate response to the note.

22 October 2010: Costa Rican law enforcement personnel find that the pipeline which was depositing sediment in the Aragón property had already been removed and was in the water of the San Juan River. Members of the Nicaraguan army are observed at the dredging site. Staff of the Costa Rican Public Prosecutor's Office and of the Ministries of Foreign Affairs, Security and Environment find that an area of about 2,500 square metres of Costa Rican territory had been covered with sediment from the dredging. In addition, they find that several trees have been cut down in the area of approximately two hectares directly across from Los Portillos lake.

23 October: The dredger is towed away and moved to a place on the left side of the San Juan River, in the territory of Nicaragua.

25 October: Law enforcement personnel and staff of the Ministry of Environment return to Calero Island to provide an expert assessment of the true extent of the environmental damage and its cost. It was observed that a Costa Rican flag placed by Costa Rican law enforcement personnel in the Aragón property was still there.

27 October: Note MRE/DVM/AJST/660/10/10, dated the preceding day and signed by Manuel Coronel Kautz, Acting Minister for Foreign Affairs of Nicaragua, is presented to the Foreign Ministry of Costa Rica. It rejects the assertions made in the protest submitted by Costa Rica on 21 October. It claims that the clean-up activities in the San Juan River had been conducted in Nicaraguan territory, protests what it describes as "repeated violations of Nicaraguan territory by troops of the Costa Rican armed forces" and demands that these "events" should not recur. (It is well known that Costa Rica has no army, but only a national police force.) The note also announces that Nicaragua will continue the clean-up work in the river and that it will defend "the frontiers and sovereignty of Nicaragua". Costa Rican law enforcement personnel fly over the zone and find that the dredger moved to the left side of the San Juan River is again operating. Nearby they notice another area where trees have been cut down in Nicaraguan territory to form a canal. There are signs that Nicaragua is trying to make the San Juan River flow directly into the Los

Portillos Lake through an artificial canal. This would mean that part of Costa Rican territory, the north-west sector of Portillo Island, would be removed.

31 October 2010: During another flyover of the area of the Aragón property, it is observed that the Costa Rican flag had been taken down and, in its place, the Nicaraguan flag had been hoisted at a spot near a dwelling located on the property, in Costa Rican territory. It is observed from a distance that camps have been set up on the sediment deposit placed some days earlier on that Costa Rican territory via the dredger pipeline.

1 November 2010: Costa Rican police authorities conduct another flyover and observe at least three equipped camps at the place where the sediment had been dumped. At another place on the Aragón property, members of the Nicaraguan army are identified, some of whom actually aim their firearms at the Costa Rican aircraft. That afternoon, the Costa Rican Foreign Ministry delivers to the Ambassador of Nicaragua note DM-429-10, in response to the allegations made in the note signed by Acting Foreign Minister Coronel Krautz, and note DM-430-10, in which Costa Rica protests the armed invasion of Costa Rican territory and requests the immediate withdrawal of the Nicaraguan troops. In view of the seriousness of the situation, Costa Rica requests a meeting of the Permanent Council of OAS.

3 November: The OAS Permanent Council meets and the Costa Rican Foreign Minister, René Castro, presents the case with documentary evidence.

On national radio and television, President Laura Chinchilla emphasizes the peaceful and unarmed status of Costa Rica, rejects the arguments of Nicaragua, urges Costa Ricans to remain calm, emphasizes that dialogue and international law are the country's instruments and reiterates to Nicaraguans (especially the almost 500,000 Nicaraguans who have emigrated to Costa Rica) her country's affection and its commitment to and respect for peaceful coexistence.

4 November: The OAS Secretary-General, José Miguel Insulza, announces that he will go immediately to Costa Rica and Nicaragua. Foreign Minister Castro of Costa Rica welcomes the visit of Secretary-General Insulza. The OAS Permanent Council decides to meet again on 9 November.