



Report of the OAS Secretary General, José Miguel Insulza, On His Visit to Costa Rica and Nicaragua November 9, 2010, Washington, D.C.

November 9, 2010

(Unofficial Translation)

On November 2nd, 2010, the Government of Costa Rica, in accordance with what is established in articles 21 and 62 of the Charter of the Organization of American States (OAS), made an urgent request for convening a Special Session of the Permanent Council for Wednesday, November 3rd, because of the entry of the armed forces of the Republic of Nicaragua into Costa Rican territory, in the border zone of the San Juan River. Said document is attached.

On November 3rd, 2010, the Special Session of the Permanent Council was opened, based on said request. Present at the meeting was the Minister of Foreign Affairs and Religion of the Republic of Costa Rica, Mr. René Castro, who made a presentation on the facts that motivated his government to make such a request.

Similarly, the Permanent Representative of Nicaragua to the OAS, Ambassador Denis Moncada, made a speech detailing the perspective of his Government on the subject involved, arguing that the alleged violation of the territory had not taken place and that the country's forces, as well its citizens, had always remained in Nicaraguan territory.

The Chair of the Permanent Council reported to said body that Costa Rica as well as Nicaragua had agreed to "open a space for the Secretary General to carry out initiatives towards overcoming the situation," and that, in this context, an invitation was extended to the Secretary General so he may visit their respective countries and afterwards report on the results of said visits to the Permanent Council on today's date.

For that purpose I traveled to Costa Rica between November 5 and 8, 2010, to listen to the positions of the two governments, to obtain information in situ on the subject, and to carry out initiatives before their respective governments in search of a path towards dialogue and détente that would allow them to establish points of understanding on the problems that have arisen in the border area. The delegation was integrated by myself; Dr. Dante Caputo, special advisor to the Secretary General, Dr. Dante Negro, Director of the Department of International Law, Ms. Patricia Esquenazi, Director of the Press Department, Mr. Antonio Delgado, specialist at the Secretariat for Political Affairs; and Ms. Ana Matilde Pérez-Katz, advisor to the Secretary General.

During our visit to Costa Rica—we began with a visit to Costa Rica—the Secretary General met with President Laura Chinchilla; Foreign Minister René Castro; the Minister of Government, Police and Public Security, José Manuel Tijerino; and Ambassador José Enrique Castillo, as well as their respective work teams. The first meeting with the President was also attended by the authorities of all of the State's powers, including the Vice President, the President of the Supreme Court of Justice, the President of the Legislative Assembly and the Vice Minister for the Presidency.

I must point out that before the meeting with the President, on the same night as our arrival,



an information meeting had been held with most of the people I have mentioned thus far, in addition to all of their work teams. At the end of this first visit, we traveled to Nicaragua.

During the visit to Nicaragua, we met on two occasions with President Daniel Ortega on consecutive days. He was accompanied by the First Lady, Rosario Murillo; Foreign Minister Samuel Santos; the Head of the Joint Command, General Julio César Avilés; the Permanent Representative to the OAS, Ambassador Denis Moncada; and other authorities of the Nicaraguan government. Also during this visit and in between the two meetings with the President, we had the opportunity to travel over the border zone of the San Juan River in the company of the country's authorities, of the Head of Joint Command himself and others.

We concluded our visit to Nicaragua –I repeat there was a second conversation with President Ortega and his teams- and we returned to Costa Rica, where we held a meeting to report on the points of view we had listened to, and we had a second meeting with the President. Previously, however, we conducted a new visit to the border zone of the San Juan River on the Costa Rican side.

I wish to thank the Costa Rican and Nicaraguan authorities for the openness and trust with which my trip was welcomed and, especially, for the collaboration and opportunities brought to me during this visit to accomplish this delicate task. The truth is that everyone was available to assist us when it was necessary to provide all the logistical support. No difficulties arose for the helicopters in which we traveled to the border or for any other activity we wished to conduct.

The meetings with the two countries included presentations on geographical, historical and political subjects with the perspectives of each country on the subject. We listened to the points of view of each one of the parties. I wish to recall that the mandate of this Secretary extends to initiatives of good will to create an opportunity for negotiation between the parties, and in no case is it to expound, discuss or much less resolve the issue at hand. The border issue involved is an issue between Costa Rica and Nicaragua and they are the stakeholders who must sovereignly decide how to resolve it, and what we want is to ensure that they do it in a peaceful way through the use of peaceful methods of conflict resolution. Our mission, therefore, is not a mission to negotiate borders, but a mission of good deeds to obtain a peaceful solution to the controversy.

That is why I believe it is important to point out that in all this debate, and listening in a very vehement way to the points of view of the parties regarding why each of them believes to hold the right argument, we proved that there exist potential points of understanding. I wish to highlight those in particular.

First: the authorities of the two countries indicated that the discussion around the San Juan River, and the environmental, security and border development aspects involved in the discussion have been a recurrent theme in their bilateral relations. They expressed the view that if the situation has become tense at this juncture, there is no wish for it to escalate to a level of confrontation. In this sense, the two parties repeatedly expressed an interest in prioritizing dialogue to address the situation.

Second: they recognized that the Binational Committee is the appropriate institutional space



to address issues of mutual interest. The Presidents of the two countries expressed their willingness to attend a bilateral meeting in the near future and in this framework to establish direct dialogue with the presence of a representative of the OAS Secretary General. Costa Rica insisted on the need to address the current differences before continuing the work of the Binational Committee, and Nicaragua urges on the other hand that the issues be addressed in the framework of the Binational Committee with our participation.

Third: Costa Rica said it shares the interest of Nicaragua in safeguarding the border zone against drug and arms trafficking, as well as to fight organized crime in that area, which has intensified in recent years and become aggravated in the border zone due to a lack of checkpoints. The two countries expressed concern for this reality, which places at the risk the wellbeing of institutions throughout Central America, and for the need to face it jointly. The two countries have showed interest in developing joint plans of cooperation in the zone, though within the limitations, capabilities and rights that each one of them has in the San Juan River.

Also, areas were identified in which certainly it is possible to achieve further rapprochement and for which dialogue is fundamental.

Fourth: they agreed on the importance of environmental protection. Costa Rica indicated that the work of dredging, sediment deposits and tree felling to open gauges, which is being conducted by Nicaragua will affect the environment in Costa Rica. Nevertheless, Nicaragua has argued that the work carried out will help to elevate the level of the waters of the San Juan River which for various months of the year is dry, contributing also to benefit Costa Rica and the sustainable development of the region. I believe that on this subject it is possible to make inroads and to discuss it and have a dialogue that leads to an agreement on joint border development that fulfills the interests of the two countries and regulates the activities they can carry out for the development of the region.

With respect to the aspects related to the border line, Nicaragua sees this issue as a priority because it holds that there are stretches still pending for demarcation. In effect, the Binational Committee for the demarcation that was established several years ago has not concluded the process. Therefore, it is in the interest of the two countries to conclude the process of demarcation of the border in those areas still pending and in accordance with the current juridical instruments of both parties.

On the basis of these agreements, and because during this visit to Costa Rica and Nicaragua the two governments ratified their firm commitment to peace in the region, as well as their conviction for honest and direct dialogue between the two nations as the sole possible way to address crucial aspects of their bilateral agenda, I consider that progress in this direction would be achieved if Costa Rica and Nicaragua adopted the following agreements:

FIRST: To hold the VIII Meeting of the Binational Committee to urgently address aspects of the bilateral agenda as soon as possible, at the latest on the originally agreed upon date, and in the company of the OAS.

SECOND: To immediately renew conversations on the aspects related to the demarcation of the border line carried out to date, in accordance with existing treaties and awards.



THIRD: With the goal of generating a favorable climate for dialogue between the two nations, to avoid the presence of the armed or security forces in the area where their presence could still be a source of tension.

FOURTH: To include the pertinent authorities so they may review and reinforce the mechanisms of cooperation between the two nations to prevent, control and face drug trafficking, organized crime and arms trafficking in the border area.

With such a commitment, the expressed will to address whatever differences exist between the sister countries in a peaceful way will be reaffirmed, and a broad space for understanding and agreement to their mutual benefit will be strengthened.

Thank you very much.

