

*Translated from Spanish*

San José, 20 May 2019

DM-AM-0857-2019

Sir,

On behalf of the Government of Costa Rica, I have the honour to refer to the circular communication from the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations, with reference M.Z.N.141.2018.LOS (Maritime Zone Notification), dated 18 December 2018.

In that communication, the Secretary-General states that, on 8 November 2018, the Republic of Nicaragua deposited with him a list of geographical coordinates of points that define a straight baseline from which Nicaragua seeks to measure its maritime spaces in the Caribbean Sea. These base points are contained in Presidential Decree No. 17-2018 of 23 October 2018, amending Executive Decree No. 33-2013 of 27 August 2013.

I would recall that, on 23 October 2013, by note MCRONU-559-2013, Costa Rica objected to the straight baseline established in Executive Decree No. 33-2013 of 27 August 2013, because that baseline violated the sovereignty of Costa Rica by illegally appropriating marine spaces that belonged to the Republic of Costa Rica and was also a straight baseline constructed in open contravention of article 7 of the United Nations Convention on the Law of the Sea.

The base points contained in Presidential Decree No. 17-2018 of 23 October 2018 also run counter to that article, in accordance with which a system of straight baselines may in fact be established only by way of an exception “in localities where the coastline is deeply indented and cut into, or if there is a fringe of islands along the coast in its immediate vicinity” (subparagraph 1). Article 7 also establishes that “the drawing of straight baselines must not depart to any appreciable extent from the general direction of the coast, and the sea areas lying within the lines must be sufficiently closely linked to the land domain to be subject to the regime of internal waters” (subparagraph 3). The baseline established by Nicaragua in Presidential Decree No. 17-2018 of 23 October 2018 does not meet any of these requirements. It runs counter to the Convention, declares as Nicaraguan internal waters maritime spaces that are not Nicaraguan internal waters under international law and illegally extends the territorial sea and other maritime spaces of Nicaragua.

H.E. António Guterres

Secretary-General

The Republic of Costa Rica therefore objects to the straight baseline established by Presidential Decree No. 17-2018 of 23 October 2018, which was the subject of the circular communication of the Division of Ocean Affairs and the Law of the Sea, Office of Legal Affairs, United Nations, with reference M.Z.N.141.2018.LOS (Maritime Zone Notification), dated 18 December 2018, because that baseline runs counter to international law, in particular the Convention.

Lastly, my Government would be grateful if you would have this note circulated to the States Members of the United Nations through the Division for Ocean Affairs and the Law of the Sea, Office of Legal Affairs, and posted on the Division's website.

Accept, Sir, the assurances of my highest consideration.

Manuel E. Ventura R.

Minister

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