

No. 24844

**NICARAGUA
and
COSTA RICA**

Agreement pursuant to article IV of the Pact of Amity, signed on 21 February 1949 (with a declaration by the Government of Costa Rica). Signed at Washington on 9 January 1956

Authentic text: Spanish.

Registered by Nicaragua on 1 July 1987.

**NICARAGUA
et
COSTA RICA**

Accord complémentaire à l'article IV du Pacte d'amitié, signé le 21 février 1949 (avec une déclaration du Gouvernement costa-ricien). Signé à Washington le 9 janvier 1956

Texte authentique : espagnol.

Enregistré par le Nicaragua le 1^{er} juillet 1987.

[TRANSLATION — TRADUCTION]

AGREEMENT¹ BETWEEN THE GOVERNMENTS OF THE REPUBLICS OF COSTA RICA AND NICARAGUA PURSUANT TO ARTICLE IV OF THE PACT OF AMITY SIGNED ON 21 FEBRUARY 1949²

The Governments of the Republics of Costa Rica and Nicaragua, reaffirming their desire to maintain the close friendship as befits two fraternal and neighbouring peoples, and to avoid in future any dispute which may disrupt their fraternal relations; desiring to implement the provisions of article IV of the Pact of Amity of 21 February 1949² concerning the best manner of putting into practice the provisions of the Convention concerning the Duties and Rights of States in the event of Civil Strife³ through a bilateral agreement; recognizing the effective efforts to bring about peace made by the Council of the Organization of American States acting provisionally as the Organ of Consultation, which, in its resolution II of 24 February 1955, appealed to the two Governments to sign the aforesaid Agreement; have agreed to enter into this Agreement in the presence of the Chairman and other Members of the Council of the Organization of American States. To this end, His Excellency, the President of Costa Rica, Don José Figueres, and His Excellency the President of Nicaragua, General Anastasio Somoza, have designated the following Plenipotentiaries:

For the Republic of Costa Rica: His Excellency Ambassador Fernando Fournier, Representative of Costa Rica on the Council of the Organization of American States;

For the Republic of Nicaragua: His Excellency Ambassador Dr. Guillermo Sevilla Sacasa, Representative of Nicaragua on the Council of the Organization of American States;

who, having shown their full powers, found in good and due form, agree to sign this Agreement:

I

The two Parties, acting in the spirit which should move the members of the Central American family of nations, shall collaborate to the best of their ability in order to carry out those undertakings and activities which require a common effort by both States and are of mutual benefit and, in particular, in order to facilitate and expedite traffic on the Pan American Highway and on the San Juan River within the terms of the Treaty of 15 April 1858⁴ and its interpretation given by arbitration on 22 March 1888,⁵ and also in order to facilitate those transport services which may be provided to the territory of one Party by enterprises which are nationals of the other.

II

The two Parties shall, in so far as possible and with the utmost diligence, arrange for the supervision of their common border as a means of preventing the illegal entry

¹ Came into force on 25 May 1960 by the exchange of the instruments of ratification, which took place at Washington, in accordance with article XV.

² See p. 217 of this volume.

³ League of Nations, *Treaty Series*, vol. CXXXIV, p. 45.

⁴ *British and Foreign State Papers*, vol. 48, p. 1049.

⁵ *Ibid.*, vol. 79, p. 555.

of either weapons or armed groups from the territory of one of the Parties into the territory of the other. The authorities of the two Governments, and, in particular, the border authorities, shall exchange, as fully as possible, any information which may come to their attention and which might help to avoid such incidents.

III

Each Party undertakes to apply the necessary measures to prevent revolutionary movements from being fomented or from rising up in its territory against the other Party.

Each Party undertakes to apply all measures to prevent any person, national or alien, operating anywhere under its jurisdiction from participating in or abetting any subversive undertaking, terrorist act or attack against the Head of State of the other Party, the other members of the executive authorities, the high civil or military authorities, candidates for those positions and their immediate family members, irrespective of whether relations maintained are between the two Governments.

IV

The contribution, supply or provision of weapons, war material or equipment, the training, enlistment, organization or transport of personnel, or the acquisition or supply of monies for the aforesaid purposes, together with any other similar acts, shall be considered as participation for purposes of the preceding article.

V

The two Parties agree to apply, in respect of asylees, articles I, II, III, V, VI, VII, VIII, IX and X of the Convention on Territorial Asylum,¹ signed at the Tenth Inter-American Conference, the text of which follows:

“Article I. Every State has the right, in the exercise of its sovereignty, to admit into its territory such persons as it deems advisable, without through the exercise of this right, giving rise to complaint by any other State.”

“Article II. The respect which, according to international law, is due the jurisdictional right of each State over the inhabitants in its territory, is equally due, without any restriction whatsoever, to that which it has over persons who enter it proceeding from a State in which they are persecuted for their beliefs, opinions, or political affiliations, or for acts which may be considered as political offenses.

“Any violation of sovereignty that consists of acts committed by a government or its agents in another State against the life or security of an individual, carried out on the territory of another State, may not be considered attenuated because the persecution began outside its boundaries or is due to political considerations or reasons of state.”

“Article III. No State is under the obligation to surrender to another State, or to expel from its own territory, persons persecuted for political reasons or offences.”

“Article V. The fact that a person has entered into the territorial jurisdiction of a State surreptitiously or irregularly does not affect the provisions of this Convention.

¹ United Nations, *Treaty Series*, vol. 1438, No. I-24378.

“Article VI. Without prejudice to the provisions of the following articles, no State is under the obligation to establish any distinction in its legislation, or in its regulations or administrative acts applicable to aliens, solely because of the fact that they are political asylees or refugees.”

“Article VII. Freedom of expression of thought, recognized by domestic law for all inhabitants of a State, may not be ground of complaint by a third State on the basis of opinions expressed publicly against it or its government by asylees or refugees, except when these concepts constitute systematic propaganda through which they incite to the use of force or violence against the government of the complaining State.”

“Article VIII. No State has the right to request that another State restrict for the political asylees or refugees the freedom of assembly or association which the latter State’s internal legislation grants to all aliens within its territory, unless such assembly or association has as its purpose fomenting the use of force or violence against the government of the soliciting State.”

“Article IX. At the request of the interested State, the State that has granted refuge or asylum shall take steps to keep watch over or to intern at a reasonable distance from its border, those political refugees or asylees who are notorious leaders of a subversive movement, as well as those against whom there is evidence that they are disposed to join it.

“Determination of the reasonable distance from the border, for the purpose of internment, shall depend upon the judgment of the authorities of the State of refuge.

“All expenses incurred as a result of the internment of political asylees and refugees shall be chargeable to the State that makes the request.”

“Article X. The political internees referred to in the preceding article shall advise the government of the host State whenever they wish to leave its territory. Departure therefrom will be granted, under the condition that they are not to go to the country from which they came; and the interested government is to be notified.”

VI

Extradition shall not be justified where the offence is political or where it is an offence under ordinary law but is classified by the solicited State as political in nature, except where it involves homicide or another type of personal attack against the Head of State or any other member of the public authorities.

VII

Each Party undertakes not to appoint asylees in its territory to political or military positions.

VIII

Each Party undertakes not to grant any form of assistance to anyone who in any way attempts to disrupt public order in the territory of the other Party.

IX

Each Party undertakes to prohibit, within its jurisdiction, any trafficking or trade in weapons, military equipment or ammunition by unauthorized persons or entities.

X

The two Parties agree that any materials mentioned in the preceding article which are found in the jurisdiction of either of the Parties and whose presence there is in violation of the provisions of the article must be immediately confiscated by that Party, and their export must be prevented.

XI

The two Parties agree that any reference made in this Agreement or in the Inter-american Convention concerning the Duties and Rights of States in the event of Civil Strife to “arms or war material” shall include military aircraft, and to civil aircraft where there is reason to believe that they will be used for the purpose of instigating or contributing to civil strife in the territory of either of the Parties. They further agree that references to the term “vessels”, in the Interamerican Convention concerning the Duties and Rights of States in the event of Civil Strife shall also include aircraft of all types, whether military or civil.

XII

The two Parties agree to appoint, within 30 days from the date of entry into force of this Agreement, two Border Committees, one whose jurisdiction shall extend from the thalweg of the Pizote River—which flows into the lake Nicaragua and constitutes the boundary between the departments of Rivas and Río San Juan, on the Costa Rican border—to the Caribbean Sea; and the other, with jurisdiction from the thalweg of the Pizote River to the Pacific Ocean. These Committees shall each comprise four officers of the armed forces of the Parties, two of whom shall be appointed by one Party and two by the other. The Parties shall endeavour to fill any vacancy in the Committees within 30 days following the date on which it occurs. The members of the Committees shall reside, during their term of service, in the zone under their Committee’s jurisdiction.

XIII

The Border Committees shall be responsible for co-ordinating joint supervision of the common border and investigating any incident liable to disturb the harmony which should exist between the authorities and inhabitants of the two Parties, and they shall make every effort to prevent such incidents from occurring and seek to resolve them amicably should they arise, without prejudice to the possibility that they may be handled through direct negotiation between the Governments of the Parties or referred to the Commission of Investigation and Conciliation established by the two Governments in accordance with the American Treaty on Pacific Settlement (Pact of Bogotá).¹

XIV

This Agreement shall be deposited with the Pan American Union, which shall transmit authentic certified copies to the Signatory Governments, to the other Governments of the States members of the Organization of American States and to the Secretary-General of the United Nations.

¹ United Nations, *Treaty Series*, vol. 30, p. 55.

XV

This Agreement shall be ratified and shall enter into force when the ratifications are deposited with the Pan American Union, which shall communicate each deposit to the other Signatory Government. Such notification shall be considered as an exchange of ratifications.

IN WITNESS WHEREOF the above-mentioned Plenipotentiaries sign and seal this Agreement at the Pan American Union, in the presence of the Chairman and other Members of the Council of the Organization of American States in the city of Washington, D.C., on 9 January 1956.

For Costa Rica:

FERNANDO FOURNIER

For Nicaragua:

GUILLERMO SEVILLA SACASA

The Republic of Costa Rica declares its acceptance of article VI of this Agreement, which amends the régime of asylum laid down in the Convention adopted at the Tenth Inter-American Conference, in as much as the amendment is based on article 11, paragraph 7, of the Costa Rican Penal Code.
