

Response to the question of Judge Tomka on the Report submitted on 30 April 2017 by the experts appointed by the Court

The text of a question asked by Judge Tomka on our Report was transmitted to us by a letter of the Registrar dated 12 June 2017. In this document, we provide an answer to the question:

Text and question by Judge Tomka

Could the Experts provide information, based on their observations during the two site visits (December 2016 and March 2017), on whether they saw, in the close vicinity of the Caribbean Sea coast, any continuous water channel connecting the San Juan River and Harbor Head Lagoon.

In their Report (para. 106), the Experts refer to a series of discontinuous coast-parallel lagoons". They include photos which appear to show various water features near the Caribbean Coast (see Figures 41 and 42). The attention of the Experts is also drawn to paragraph 4.9 of the Counter-Memorial of the Republic of Nicaragua, dated 18 April 2017, submitted in the *Dispute concerning the Land Boundary in the Northern Part of Isla Portillos* case, in which Nicaragua asserts the "the channel connecting the lower San Juan with Harbor Head Lagoon still exists today".

Response

Based on the observations made during our two site visits (December 2016 and March 2017), we can assert that at the present time there isn't any continuous water channel connecting the San Juan River and Harbor Head Lagoon in the close vicinity of the Caribbean Coast. As we indicate in the report, "topographic maps produced by Costa Rica and Nicaragua show that in the recent past there used to be a channel-like water gap between the spit and firm land, and that the Los Portillos/Harbour Head lagoon was connected to the sea via the San Juan River" (see paragraph 100 and figure 26 of the Report). The observations carried out during our site visits unambiguously revealed that such water gap or continuous channel has disappeared due to coastal recession, and that nowadays Los Portillos/Harbor Head Lagoon is a water body commonly enclosed by a sand barrier (see figures 18, 21, 33 of the Report). As we indicate in the Report, in the coastal stretch of Isla Portillos, between the beach and the area covered by tree vegetation, there is a series of discontinuous coast-parallel lagoons that are remnants of the channel-like water gap that used to exist in recent times between Isla Portillos and the spit of Los Portillos/Harbor Head Lagoon (see paragraph 106 and figures 41 and 42 of the Report).

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Prof. Eric Fouache



Prof. Francisco Gutiérrez