



# The Sixaola River Basin, Costa Rica and Panama

Reaching Agreements to Strengthen Transboundary  
Cooperation





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The BRIDGE project is funded by the Swiss Agency for Development and Cooperation.

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Citation: Porras, Nazareth. (2016). The Sixaola River Basin: Costa Rica and Panama. San José, Costa Rica: IUCN, 12 pp.

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Available from: IUCN (International Union for Conservation of Nature)

Regional Office for Mexico, Central America and The Caribbean  
San José, Costa Rica  
Tel. +506 2283 8449  
[www.iucn.org/ormacc](http://www.iucn.org/ormacc)

# THE SIXAOLA RIVER BASIN, COSTA RICA AND PANAMA

## Reaching Agreements to Strengthen Transboundary Cooperation

*Nazareth Porras, Project Coordinator of BRIDGE in Mesoamerica*

The Sixaola river basin is shared between Costa Rica and Panama. Since 2011, the BRIDGE project: Building River Dialogue and Governance has worked to promote better cooperation around transboundary waters, implementing a non-conventional approach for hydrodiplomacy. The main challenge is setting up institutional arrangements that are sustainable over time. While it was established in 2009, initially the Binational Commission of the Sixaola River Basin (CBCRS, Spanish acronym) was highly dependent on the Sixaola Binational Project, so its capacity to act as basin institution and facilitating platform was limited.

Responding to these challenges, BRIDGE has fostered and facilitated transboundary cooperation through the strengthening of the CBCRS and promoting the integration of multiple actors and sectors in its decision making. In carrying out this

role, BRIDGE uses a combination of principles of international water law, knowledge and information tools constructed by the IUCN, experience of the Executive Secretariats of the Agreement for Border Development and local actors, and advising and technical support to help strengthen the theoretical, practical and institutional capacities of key stakeholders in the local, national and transboundary sphere.

This document summarizes the socioeconomic context of the basin, existing institutional arrangements, interventions by the BRIDGE project and advances of the Binational Commission of the Sixaola River Basin. It is a case study on a very particular experience, despite its short existence, the commission has gradually positioned itself as a highly participatory platform, pioneer in Central America, which influences decision making on management of the Sixaola river basin.

### Box 1.

## Major Results



Strategic alliance between the Executive Secretariats of the Agreement, the Sixaola Binational Project and the International Union for the Conservation of Nature.



Drafting and approval of CBCRS operating regulations.



Establishment of special work groups.



Preparation of the CBCRS Integrated Action Plan.



Strengthening of the coordinating unit.



Coordination of concrete actions of cooperation focused on the basin: official approval of the border delimitation report, strategic alliance with the Central American Strategy for Rural Territorial Development, formulation of a pilot project.

# SOCIOECONOMIC CONTEXT OF THE SIXAOLA RIVER BASIN

According to the *Regional Strategy for the Sustainable Development of the Sixaola Binational River Basin (ERDS, Spanish acronym)*, the watershed extends over 2,848.3 km<sup>2</sup>, 19% located in Panama and 81% in Costa Rica. The basin zone is characterized by its great biodiversity of flora and fauna and the presence of six protected areas: La Amistad International Park straddling both countries, Chirripó National Park, Hitoy-Cerere Biological Reserve, Gandoca-Manzanillo National Wildlife Refuge, San San Pond Sack Wetlands and Palo Seco Protection Forest. Additionally, Amistad International Park is a world heritage site with a portion declared biosphere reserve, while both wetlands are Ramsar sites of international importance.

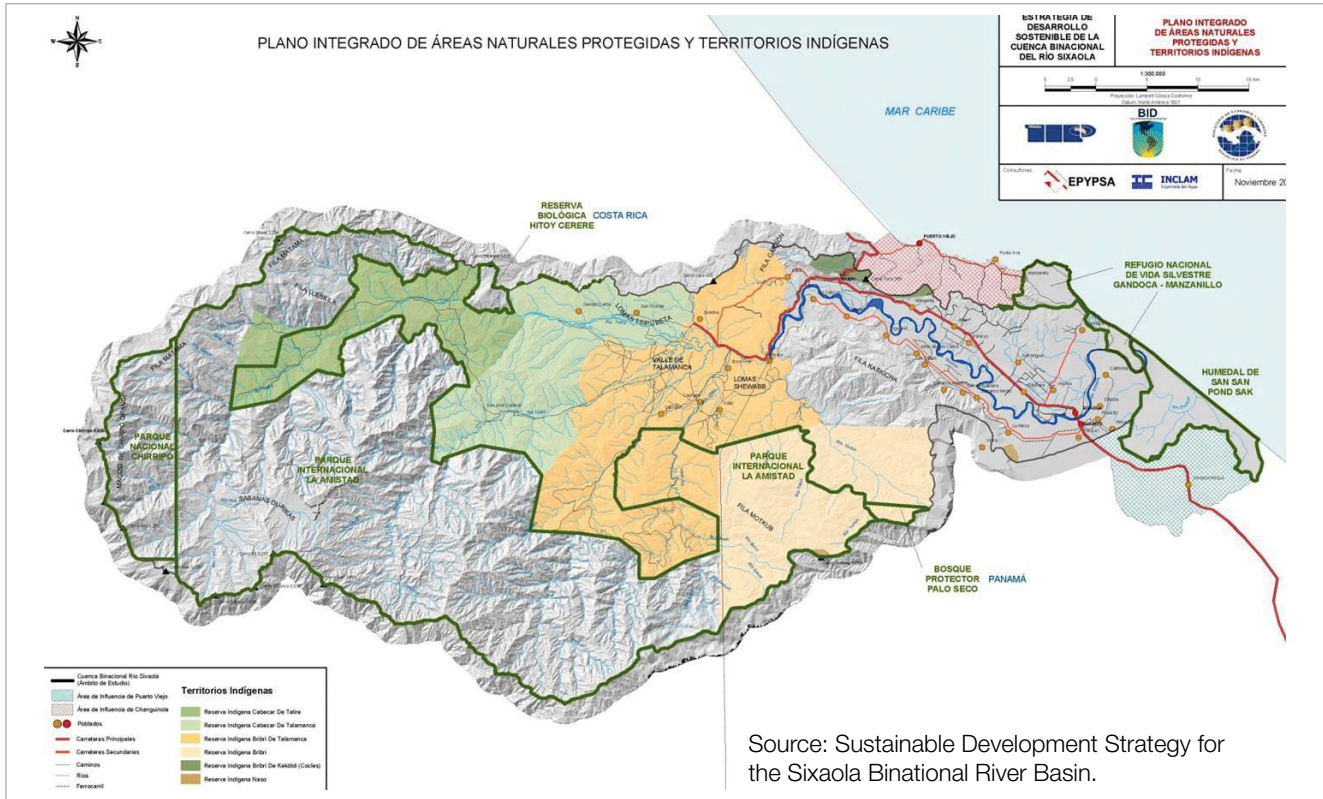
The basin also harbors extensive ethnic diversity, including Afro-Caribbeans and six indigenous territories that function as buffer zones for the protected areas. Two ethnic groups are found in Costa Rica: Bribri (Talamanca and Keköldi) and

Cabecar, both occupying territories legally constituted as indigenous reserves. In Panama there are three ethnic groups: Bribri, Naso and Ngäbe-Buglé, whose territories are not officially declared indigenous districts (comarcas).

An estimated 31,000 people live in the Sixaola binational river basin<sup>1</sup>, distributed throughout three districts of Talamanca (Telire, Bratsi, and Sixaola) in Costa Rica and three townships of Changuinola (Guabito, Las Tablas and Las Delicias) in Panama. Social indicators for the zone are below national averages in both countries, and the illiteracy rate is around 11%.

Agriculture is the predominant feature of economic activities. Small-scale farming prevails in the mid- and upper basin, focused primarily on organic cacao and plantain, while the lower basin is dominated by monoculture plantations of plantain and banana run by transnational companies, mainly for export.

**Figure 1:**  
**Integrated Map of Natural Protected Areas and Indigenous Territories**



Source: Sustainable Development Strategy for the Sixaola Binational River Basin.

1 The most recent censuses on population and housing in Costa Rica and Panama (2011 and 2010, respectively); sum of districts within the basin.

## REGIONAL CONTEXT AND INSTITUTIONAL ARRANGEMENTS

Relations between Costa Rica and Panama have traditionally been peaceful and collaborative, with the exception of an armed conflict in 1921 (the Coto War) over border demarcation and settled with the signing of the Echandi Montero – Fernández Jaén Border Treaty in 1941. This cordiality is reflected in the Costa Rica-Panama Agreement on Cooperation for Border Development, signed in 1992 and ratified in 1995. Its objective is to expand, improve and deepen cooperation relations in all fields, thereby contributing significantly to social, economic, commercial, environmental, political and overall development and improvement of the border region, and to strengthen the process of integration between the two countries.

While the geographical and thematic scope of this Agreement reaches beyond the Sixaola binational river basin, the Executive Secretariats in the two countries identified this area as binational in character at local level and one of extreme social and environmental vulnerability, so support for its integrated management is considered priority. Non-reimbursable funding was sought to draft the Regional Strategy for the Sustainable Development of the Sixaola Binational River Basin, and financial support was obtained from the Inter-American Development Bank (IDB) through the Spanish Trust (Fondo Fiduciario Español).

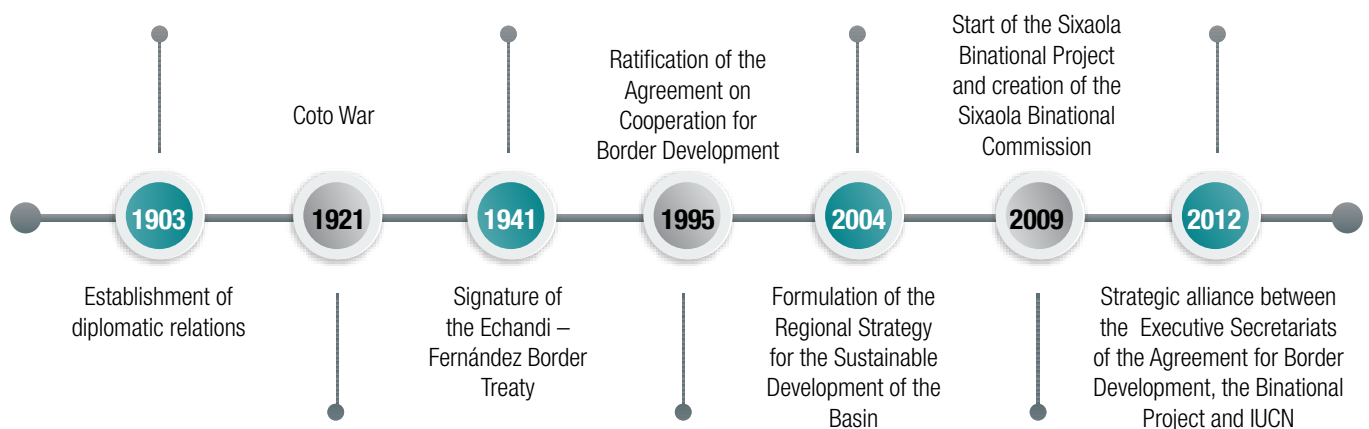
The strategy was crafted over the course of 2003 and 2004 in a highly participatory process involving national and regional institutions, local governments, indigenous authorities, the productive sector, community organizations and others. A vision of sustainable development was formulated for the region through several workshops. This process led to the project, "Integrated Management for the Sixaola Binational River Basin" ("Sixaola Binational Project"), implemented from 2009 to 2013 with support from IDB and the Global Environment Fund (GEF) and giving rise to the Binational Commission of the Sixaola Binational River Basin.

The Commission constituted the supreme body for strategic management of the Sixaola Binational Project, and its decisions were binding in the project's implementation. Given the potential of this entity, the governments of both countries agreed it could continue its work as a unit of territorial planning and management of basin development once the project finalized.

This is why a strategic alliance was forged in 2012 among the Executive Secretariats of the Agreement on Cooperation for Border Development, the Sixaola Binational Project and the IUCN to further consolidation of the CBCRS as entity promoting and spearheading good governance and sustainable development of the basin.

Figure 2:

### Evolution of Cooperation Relations between Costa Rica and Panama





**Landslides in tributary of the Sixaola river.**

## CHALLENGES FOR COOPERATION

While there is no specific treaty on management of the Sixaola river basin, the Binational Commission is in fact under the aegis of an international treaty: the Costa Rica-Panama Agreement on Cooperation for Border Development, whose implementation is delegated to the Costa Rican Ministry of National Planning and Economic Policy (MIDEPLAN) and the Panamanian Ministry of the Economy and Finance (MEF). This gives the commission legal recognition, legitimacy and government support.

Nonetheless, the first challenge is the limited scope of human and financial resources assigned to the Agreement's implementation. Four officials (two in each country) are in charge of overseeing the agreement, who in addition perform other functions within their respective institutions. The Executive Secretariats only have funding to cover the logistics of their supervisory visits. There is no budget for investment works or training activities. This makes it necessary to coordinate efforts between institutions for binational activities and to obtain funding from international cooperation entities, no simple matter given that both nations have been classified as middle-income countries and therefore not a priority in resource designation.

Hence, even though the Binational Commission of the Sixaola River Basin is under the aegis of the Border Agreement and recognized by the governments, it lacks financial resources for operating expenses and investments in the basin. Thus far it has recurred to funds from international projects to cover operational costs (meals, transportation and use of a venue during meetings). Also, a large portion of its members are State organizations that cover their own costs.

A second challenge is that while the Sixaola binational river basin is in a good state of conservation, as figure 1 shows almost of the territory is under some form of protected status. The mid- and lower basin has serious pollution problems due to poor solid waste management, low levels of development and recurrent flooding, requiring a comprehensive approach and binational coordination.

The CBCRS thus constitutes a platform of actors whose objective is the coordination and development of actions necessary for integrated management, conservation of natural resources and biodiversity, promotion of sustainable and diversified production and strengthening of the binational institutional framework under the Border Agreement and domestic legislation on watershed management.

Such coordination is complex in that it requires the participation of diverse actors with different interests and visions about the territory's management. The CBCRS thus aims for all of these actors to be represented in its membership by including government institutions, municipalities, indigenous

authorities (with political and judicial autonomy), development associations and representatives of civil society in production and tourism sectors. The assembly is comprised of 34 members (see box 2), along with representatives of cooperation projects in the zone participating as observers.

**Box 2:**

## Membership of the Sixaola Binational Commission

MEMBERS OF COSTA RICA	MEMBERS OF PANAMA
Ministry of Environment, Energy and Sea	Ministry of Environment
Ministry of Health	Ministry of Health
Ministry of Public Works and Transportation	Ministry of Public Works
Ministry of Planning and Economic Policy	Ministry of Economy and Finance
Ministry of Agriculture and Livestock	Ministry of Agricultural Development
National Commission for Risk Prevention and Emergency Response	National Civil Protection System
Costa Rican Tourism Institute	National Tourism Authority
General Directorate of Immigration	National Immigration Service
General Directorate of Customs	National Customs Authority
Municipality of Talamanca	Municipality of Changuinola
Executive Secretariat of the Border Agreement	Executive Secretariat of the Border Agreement
Organized civil society representative: a) Producers Associations b) Organizations or community development associations c) Tourism associations	Organized civil society representative: a) Producers Associations b) Organizations or community development associations c) Tourism associations
Indigenous authorities: c) ADITIBRI d) ADITICA e) Keköldi	Indigenous authorities: a) Ngäbe b) Naso c) Bribri
Projects and programs in the Sixaola binational river basin, carried out under the Border Agreement, which are not part of the quorum.	

To accomplish its objectives, the structure of the CBCRS includes the assembly, coordinating unit and special work groups. The assembly is the supreme body in charge of decision making, and according to the statutes must meet at least twice a year alternating between Costa Rica and Panama. The coordinating unit, which is binational in composition, is an administrative body comprised of coordinator, deputy coordinator and secretariat. The special work groups are in charge of specific themes related to the objectives of the CBCRS.

Finally, the main challenge for the CBCRS is to continue constructing the tools and practices necessary to become a basin institution that, through its representativeness and legitimacy, spearheads the coordination and development of actions for the territory's integrated management. Additionally, to create mechanisms for raising the financial resources needed to operate and to achieve its objectives sustainably over time.

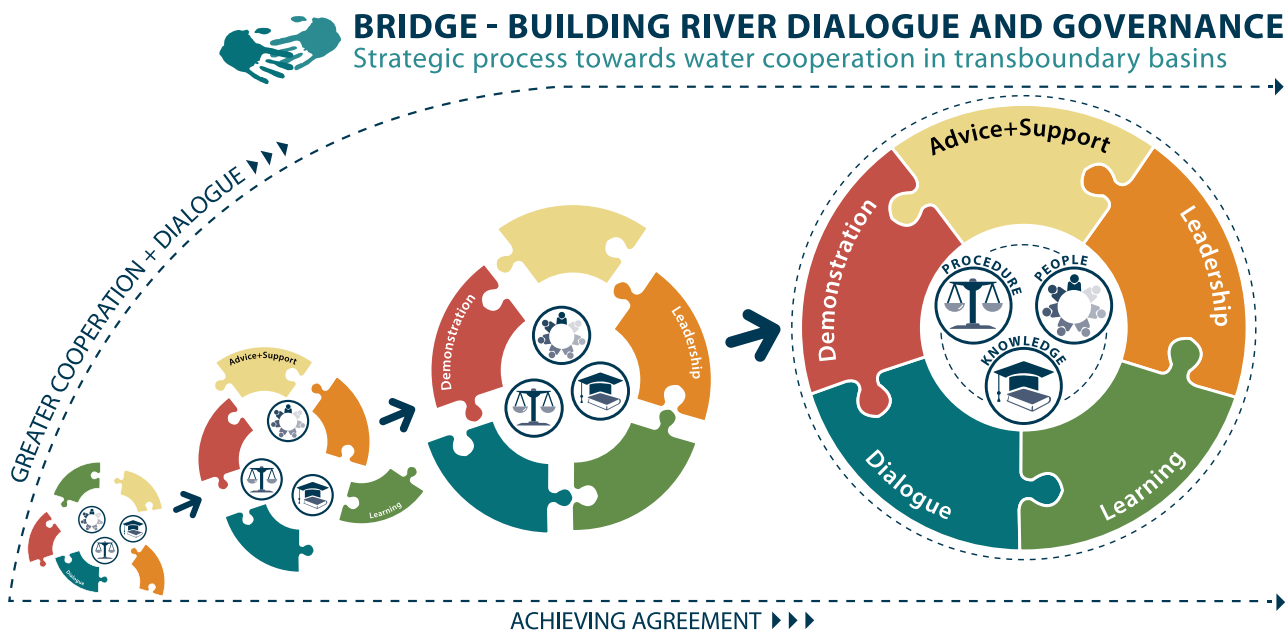
## BRIDGE ACTIONS, MECHANISMS AND TOOLS

Because water diplomacy is not a simple process, BRIDGE incorporates a variety of mechanisms and tools in Sixaola. First, it uses **demonstration** to show how cooperation can be a foundation for building trust through shared learning and joint action, employing concrete examples of transboundary actions with positive impacts in other regions and basins.

Second, it uses **learning** by providing multiple key stakeholders, including high-level officials and agents of civil society and municipal governments, with training and capacity building in water governance, international water law and benefit sharing to promote cooperation. Third, it **facilitates dialogue to build consensus** through demonstration actions and learning activities as the catalyst for new dialogues on technical issues, socio-political management and sustainable development.

Fourth, BRIDGE implements **leadership** programs supporting the empowerment of champions, or local leaders, of transboundary cooperation on water and better water governance that can effectively promote the mobilization and commitment of community agents, territorial agents and local and national governments for water diplomacy.

Lastly, through **advising and support functions**, BRIDGE provides counseling based on requests and technical assistance required by the governments and other actors of the territorial matrix in the binational basin that are interested in cooperation for better water governance. This is done, for example, by presenting effective institutional and legal frameworks, communications to promote sharing of lessons learned, and demonstration of successful results in other transboundary watersheds of the region or at global level.





## Institutional Legitimacy and Participation of Key Stakeholders

A key mechanism for improving cooperation in the Sixaola river basin was an analysis of the legal and institutional context, which identified the existence of a binational agreement that did not include basin management as mandate, but nevertheless regulates transboundary cooperation relations in the zone. This analysis also shed light on the origin of the Binational Commission of the Sixaola River Basin and its relation to the Sixaola Binational Project and Agreement for Border Development, revealing points of entry for BRIDGE interventions.

The first step was to approach the Executive Secretariats of the Agreement, present BRIDGE's objectives and offer advising and support in the promotion of transboundary cooperation. The Agreement's operating regulations were then formulated (clarifying how the CBCRS could be integrated in its structure). A logo was designed to give the Agreement a visual identity, and a short video was made documenting its work.

Due to their common interest in strengthening the CBCRS as an entity promoting and leading good governance and sustainable development of the basin, a strategic alliance was forged between the Executive Secretariats of the Agreement, the Sixaola Binational Project and the IUCN. Under this leadership, CBCRS members conducted an appraisal and created the following road map:

- Strengthen, restore and reformulate the commission's organization, functioning and operation incorporating the legal framework of both countries
- Review, adjust and modify regulations on the CBCRS's functioning
- Induction and training of CBCRS members in key themes such as adaptation to climate change, comprehensive water management and joint governance of shared watersheds
- Examine the action plans of initiatives being carried out in the Sixaola river basin and identify points of intersection and complementarity
- Publicize the existence, ends and action of the CBCRS

The road map's implementation has been highly participatory, involving government and nongovernmental actors and representatives of civil society and indigenous territories. One constant has been stakeholder mapping and identifying



**Capacity-building workshops with the CBCRS, 2012.**

synergies with institutions and projects not part of the CBCRS's original membership, in some cases incorporating them in the commission.

## Knowledge, Planning and Institutional Strengthening

To give the CBCRS tools for its strengthening and to improve its action, the BRIDGE project organized theoretical and practical training in integrated water resource management, climate change, water governance arrangements, transboundary basin institutions, and other areas. BRIDGE has also provided technical accompaniment for the coordinating unit in the convening and logistics of assemblies, control of the assembly's official decisions, follow-up on those agreements and planning sessions.

It is important to point out that CBCRS members, especially the coordinating unit, perform their functions *ad honorum* so have limited time and resources to dedicate. However, as the commission becomes empowered and takes on ever greater responsibilities, awareness has gradually been raised about its catalyzing role. As a result, BRIDGE has moved beyond supporting all of the operational and logistics tasks and now performs an advisory and support role.

Officials of State entities at the central government level have also received training. Technical inputs are provided to strengthen capacities in relation to international water law and consensus building for integrated water resource management in transboundary contexts and to strengthen

practical knowledge concerning transboundary institutional-ity, and the experience of the Binational Commission of the Sixaola River Basin was disseminated.

### Synergies and Greater Visibility

The BRIDGE project and local actors have been very aware of the need for establishing work synergies in order to optimize resources invested in the Sixaola river basin. In the first phase of BRIDGE, CBCRS activities were co-financed by the IUCN and the Binational Project. When the latter concluded, the CBCRS agreed that operating expenses needed to be cut and institutional resources used to cover some of the costs of holding assemblies. Currently the Central

American Strategy for Rural Territorial Development and the IUCN contribute financial support for meetings and trainings.

The CBCRS identified a need to make its actions better known for positioning at both local and central government level and to be able to promote coordination between different actors for actions. It has also gradually become positioned as basin commission and presented its experience in regional events: Sharing Experiences in Transboundary Watersheds in Mesoamerica and South America (Ecuador, 2015), Central America Rural Territorial Development Week (Guatemala, 2015) and the First Regional Forum of Basin Entities (Panama, 2015).

#### Box 3

### Strengthening of the Binational Commission of the Sixaola River Basin since the Entry of the BRIDGE Project

#### First Phase (2011- 2013)

- Analysis of the legal-institutional context of the Sixaola river basin
- Understanding of the relations between the Costa Rica-Panama Agreement for Border Development and the Binational Commission of the Sixaola River Basin
- Strategic alliance between the Executive Secretariats of the Agreement, the Sixaola Binational Project and the International Union for the Conservation of Nature
- Support to the Executive Secretariats in formulating their operating regulations, logo and video documenting their work
- Preparation of the Road Map with the CBCRS
- Drafting and approval of CBCRS operating regulations

#### Second Phase (2013 – 2015)

- Establishment of special work groups: agriculture and trade, strategic guidance, health, environment, emergency management, infrastructure and tourism
- Preparation of the CBCRS Integrated Action Plan
- Modifications of the regulations to include more key stakeholders and improve mechanisms for designating representatives
- Strengthening of the coordinating unit
- Coordination of concrete actions of cooperation focused on the basin: official approval of the border delimitation report, strategic alliance with the Central American Strategy for Rural Territorial Development, formulation of a pilot project

#### Next Steps

- Improve planning and implementation of actions in the basin
- Design a communication strategy
- Develop mechanisms for the CBCRS's temporal and financial sustainability

## ADVANCES AND RESULTS OF THE BINATIONAL COMMISSION OF THE SIXAOLA RIVER

The Binational Commission of the Sixaola River Basin has made important advances in its operating structure. The Sixaola Binational Project was in charge of coordination when the commission was created; once that project ended, with the commission's sustainability in mind a coordinating unit was formed in November 2013. The representative of the producers association in Costa Rica was chosen as coordinator, and the representative of development organizations in Panama was chosen as secretary. These designations illustrate recognition of civil society as a key stakeholder in decision-making processes, as well as the bi-nationality of this organization. Its regulations were later modified to create the figure of deputy coordinator, which has facilitated the work of convening, influencing and information dissemination in both countries.

Because institutional representatives are constantly changing, it was stipulated that along with the representative, a substitute must also be officially designated for participation in the assembly. To make civil society representatives truly representative, the regulations were modified to establish three sectors—production, development associations and tourism—with a mechanism defined for choosing representatives. New members in the areas of Public Works, Immigration, Customs and Tourism were also formally incorporated, and through the Strategy for Rural Territorial Development alliances have been formed with new strategic actors, such as the Central American Agricultural Council.

For planning purposes, the Binational Commission of the Sixaola River Basin was organized in special work groups focusing on eight areas: agriculture, environmental protection, tourism, trade, risk management, health, infrastructure and strategic guidance. These groups established different objectives and plans, giving rise to the Integrated Action Plan of the CBCRS.

Through better coordination and communication between immigration, customs and municipal officials, the Strategic Guidance Group has been able to expedite migratory procedures for CBCRS members when they attend meetings and

assemblies. It has worked on actions to increase visibility by designing a logo and publicizing its activities with the local press, and has also encouraged local government participation in CBCRS activities. The mayor of Talamanca (Costa Rica) has been very active and committed to the process, successfully obtaining the involvement of the Changuinola mayor (Panama). They have provided political, and on occasion, logistical support.

Requests from the assembly have been negotiated, for example that the Geographic Institutes and Ministries of Foreign Affairs of the two countries give a presentation on agreements and results adopted binationally on border delimitation. This is a priority issue for residents and farmers in the zone, as well as for decision making by members of the CBCRS and other local actors (see Box 4).

The Agriculture and Trade groups have fused, and worked together on a proposed binational pilot project aimed at strengthening capacities of sustainable production through a comprehensive model of climate change adaptation based on food and nutritional security and sovereignty in the middle and lower basin. Work in this project will take place on integrated farms in both countries and will include binational exchanges of experiences. The project proposal will be presented at a call of the Central American Strategy on Rural Territorial Development, which administers Andalusian cooperation funds.

The Infrastructure Group has been supporting coordination for construction of a binational bridge, the Tourism Group aims to promote a binational circuit, and the Health Group is harmonizing protocols in the event of disease and epidemics, among other aims. As can be noted, each special work group has advanced at different rates with respect to implementation. However, the CBCRS continues to meet periodically and is aware of the need for planning and coordination to solve problems that are binational in nature, seeking synergies with international cooperation bodies and establishing mechanisms for its sustainability.

**Box 4:**

## **BOUNDARY DELIMITATION IN THE SECTOR OF THE SIXAOLA RIVER BASIN (COSTA RICA – PANAMA)**

In the frame of the entity's official assemblies, members of the Binational Commission expressed concern that the lack of clarity about the exact location of the border between the two countries has triggered local conflicts, mainly between producers. The Geographic Institutes and Foreign Affairs Ministries of Costa Rica and Panama were asked to give informational talks about the findings of the technical studies conducted in the frame of the Mixed Permanent Commission between Costa Rica and Panama.

As the only authorities with jurisdiction to clarify border delimitation, the participation of the institutes and foreign affairs ministries was of great importance. Despite advances in the respective technical studies, their results were not yet official and have not been made public. During the informational talks given in August 2015, local stakeholders transmitted their concerns and problems directly to these institutions.

Given the urgency of the matter, the Mixed Permanent Commission met October 15th and 16th, 2015 in Changuinola, Panama, and approved the report on the international limit in Sixaola Yorkin sector 1. The report contains a historical reconstruction of the thalweg line, and therefore the official border.

During 2016, the Binational Commission of the Sixaola River Basin will act as facilitator of training for key officials in the zone on the use of the geographical information generated and its dissemination among the local population. This will put an end to the general idea that the course of the river constitutes the borderline and that when the river's course changes, so does the frontier. The goal is to diminish local tensions about this issue, mainly between producers whose parcels are affected.



**Mayor of Changuinola, Mayor of Talamanca and Coordinator of the CBCRS signing a petition to the Mixed Permanent Commission on Borders between Costa Rica and Panama.**



## CONCLUSIONS AND CHALLENGES FACING THE FUTURE

School in Yorkín, Talamanca,  
Costa Rica.

The Sixola river basin experience has concentrated on the need to draw national and local levels closer through a “bottom up-top down” approach. In other words, the hierarchy of political decisions has been respected, along with the fundamental role of the State, but equally important processes have taken place from the base, in which local stakeholders formulate and give feedback on agreements and policies impacting on their immediate situation and the management of shared watersheds.

BRIDGE has fostered dialogue between actors at multiple levels and sectors through participatory workshops, technical and legal advising, the establishment of strategic alliances and the development of communication products. All of this has fomented an empowerment of the actors allowing them to take on responsibilities and operate with an eye to the basin's sustainable management.

Facing the future, the Binational Commission of the Sixola River Basin will have to address management and development issues through consultation with its members, as well as a future vision capable of facilitating transboundary governance. It must also continue assessing mechanisms for temporal and financial sustainability enabling the commission to become consolidated as basin institution and implement actions for the territory's sustainable development.

While important challenges for its consolidation remain, the CBCRS continues working on the one that is most important, which is to coordinate and carry out actions necessary for integrated management of the Sixola binational river basin, conservation of natural resources and biodiversity, promotion of sustainable production and strengthening of the binational institutional framework.



**Sixaola river basin, Costa Rica – Panama.**

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### **About the author:**

Nazareth Porras Quirós. Project Coordinator of BRIDGE in Mesoamerica, works at the Regional Office of IUCN for Mexico, Central America and the Caribbean. She has a Master in International Relations, emphasis on International Cooperation from the National University of Costa Rica. Further information about the project could be requested at [nazareth.porras@iucn.org](mailto:nazareth.porras@iucn.org)



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