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One outstanding feature of the ongoing conflict between Costa Rica and Nicaragua is that both sides claim willingness to talk but have so far failed to get dialog underway.

Tension has grown since Oct. 21, when Costa Rica first accused Nicaragua of having violated its sovereignty by dumping on a spot on the easternmost stretch of the 309-km land border part of the sediment removed during dredging of the Nicaraguan Río San Juan, most of which runs next to the border shared by the two Central American nations (NotiCen, Nov. 18, 2010).

Eleven days later, Costa Rica further accused its neighbor of having sent Ejército de Nicaragua troops into Costa Rican territory in the same area and demanded that the soldiers be withdrawn.

Meanwhile, Nicaragua said that Costa Rican troops had entered its territory at that time in the same spot, referring to Costa Rica’s Fuerza Pública (police). It also said that Nicaraguan Army troops had been deployed to the area as part of the country’s struggle against drug trafficking and stressed they would not be withdrawn because they were in Nicaraguan territory.

Costa Rica later said the wetlands in that spot on its side of the border were being further damaged since Nicaraguan civilian personnel were felling trees.

Costa Rican officials said this was being done to open a 2-km-long waterway through Isla Calero, in Costa Rican territory, to link the Portillo lagoon and the Río San Juan on either side and in Nicaraguan territory.

Political maneuvers affect Comisión Binacional meeting

Before the dispute broke, both governments had agreed to hold the eighth meeting of the Comisión Binacional sometime in late November.

The conflict put the meeting in doubt, but Costa Rica suggested it be held on Nov. 27, in the Costa Rican city of Liberia—in the northwestern province of Guanacaste, bordering Nicaragua—some 230 km northwest of San José, the country’s capital, but later moved the proposed site to the city of Alajuela, in central Costa Rica, some 22 km northwest of the capital.

During the meeting, held immediately after the early November mission by Organization of American States (OAS) Secretary-General José Miguel Insulza to both countries in an effort to get them to talk, the OAS Permanent Council recommended, among other points, that the commission should meet and, with both countries’ presidents attending, work out a solution to the crisis.

After the conflict began, Costa Rican President Laura Chinchilla’s administration said that for the meeting to take place Nicaraguan troops had to be withdrawn, to which Nicaraguan President Daniel Ortega’s administration replied that the proposed dialog should be held with no prior conditions.
The two Foreign Ministries exchanged several notes stating each country’s willingness to hold talks and, at the same time, reaffirming each country’s unwavering position regarding how the dialog should be held.

The date came. The parties clung to their positions. The commission did not meet.

**Chinchilla goes on offensive**

Meanwhile, Costa Rica has acted in the regional arena and on the international stage.

Chinchilla and other top government officials make a point of saying that diplomacy has been this country’s sole weapon to solve crises such the present one since it abolished its army 62 years ago.

As a first diplomatic step on the regional scale, it turned to the OAS, seeking action by the continental body to stop what it has described as the violation of its sovereignty, a military invasion of its territory, and damage to its environment.

Besides turning to the OAS—which Nicaragua said from the start was not the suitable forum to take up the conflict—Costa Rica decided to open another front and knocked on door of the International Court of Justice (ICJ) at The Hague.

On Nov. 18, Costa Rican Foreign Minister René Castro told a late-evening press conference in San José that the country was beginning legal proceedings against Nicaragua at the world’s top judiciary body. Castro also said Costa Rica was requesting that the ICJ implement precautionary measures to stop Nicaragua from digging the waterway.

"In a very short term, it [the waterway] will magnify the impact on its (Costa Rica’s) territory and its environment," and Nicaragua "must cease all actions leading to a consummated and permanent fact," warned the minister. "The legal action taken before the International Court of Justice responds to the urgency in recovering the invaded territory [and] avoiding irreparable damage to its environment."

"The suit against Nicaragua and the request for precautionary measures that only the court can order are complementary instruments in a peaceful solution of controversy according to international law," said Castro.

Despite its lack of an army, Costa Rica has not turned to the regional mutual-defense pact Tratado Interamericano de Asistencia Recíproca (TIAR), also known as the Rio Treaty, adopted on Sept. 2, 1947, in that Brazilian city.

The third of TIAR's 26 articles states, "The High Contracting Parties agree that an armed attack by any State against an American State shall be considered as an attack against all the American States. Consequently, each one of the said Contracting Parties undertakes to assist in meeting the attack in the exercise of the inherent right of individual or collective self-defense."

Castro said, "We didn’t choose that as the first option, precisely because it is an option less based on peace and exhortation and negotiation and is more identified with military options, and it must be demonstrated that first [negotiating options] were sought."

The minister said, however, that "we haven’t discarded it," and that "it’s one of the elements we evaluate," although "it must also be admitted that...it doesn’t include friendly countries like Canada,"
like Mexico—which withdrew a few years ago—or many Caribbean countries. Thus, the number of countries making a decision to act is small, the balance of votes there must be reviewed."

At a peace rally held Nov. 12 in San José outside the Museo de los Niños (the revamped children's museum that once housed a prison), addressing a crowd of schoolchildren donning white t-shirts, Chinchilla, also dressed in white, said that, in this conflict, "we will show the world why Costa Rica is different."

"While the other side deploys military troops, we’ve been deploying a diplomatic contingent. While the other side threatens with force, we continue fighting with reason...while the other side mobilizes more and more troops dressed in olive green, Costa Rica brings its children to the street dressed in white and waving the flag."

Nine days later, Chinchilla went on national television and said, "We Costa Ricans and all decent people living together in peace demand respect and will keep doing so the only way we want: peacefully and defending our right to live in peace."

"You must know that I shall not rest in my efforts to see our dignity restored," Chinchilla assured her fellow Costa Ricans, and she guaranteed the hundreds of thousands of Nicaraguan citizens settled in that country that they had nothing to fear, because the conflict "is not a dispute between our peoples."

On Dec. 1, the anniversary of the abolition of the army in 1948, the president used stronger discourse as she told the local Radio Monumental that "peace is no comfortable place...peace is, precisely, being able to permanently face the challenges and risks life implies, starting from courageous decisions such as those taken by Costa Rica."

"It is in moments such as these where...we must remind ourselves what we’re made of, and we must continue to be able to show the world that no one from other places is going to drag us down to the quagmire they’ve been developing in their own country," stressed Chinchilla.

Some three hours later, speaking at the main official ceremony marking the anniversary, the president announced that the Policía de Fronteras would be active again, after being inactive during the administration of former President Óscar Arias (2006-2010), the Fuerza Pública would be strengthened, and security would be stepped up along the border except for the conflict area, and she called on Costa Ricans to join the Reserva de la Fuerza Pública.

"Today, I allow myself to remind those gentlemen up north, with their loudly sounding words, with their bullying, and with the use of force, I want to remind them that only cowards are brave with the defenseless," Chinchilla stressed. "An unarmed country must not be a synonym for a country territorially defenseless," because "the absence of an army must never imply the absence of civil protection of our resources and our territory. We believe in the power of reason and not in the reason of power."

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