

3-17-2011

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Recommended Citation

Rodriguez, George. "A Jubilant Doña Laura Calls Provisional ICJ Measures Costa Rican Victory in Four-Month-Old Feud with Nicaragua." (2011). <https://digitalrepository.unm.edu/noticen/9864>

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A Jubilant Doña Laura Calls Provisional ICJ Measures Costa Rican Victory in Four-Month-Old Feud with Nicaragua

by George Rodriguez

Category/Department: Costa Rica

Published: Thursday, March 17, 2011

On March 8, in her office at the Casa Presidencial with other high-ranking government officials, a jubilant President Laura Chinchilla—Doña Laura, as Costa Ricans affectionately call their first woman president—greeted the provisional measures ordered by the International Court of Justice (ICJ) regarding the Costa Rica-Nicaragua conflict that broke out some four month ago.

What made the government and most Costa Ricans happy was that, among other measures, the court ordered that both parties refrain from deploying security forces in the conflict spot on the eastern end of the land border they share.

The dispute broke out on Oct. 21, 2010, when, as Nicaragua dredged the San Juan River, which runs next to part of the 309-km land border shared by both Central American nations, Costa Rica accused its neighbor of having dumped sediment on a specific spot this side of the line and of having violated Costa Rican sovereignty by deploying soldiers there—allegations Nicaragua strongly rejected, accusing Costa Rica of having violated Nicaraguan sovereignty ([NotiCen, Nov. 18, 2010](#)).

The Chinchilla administration immediately went to the Organization of American States (OAS) where it produced documents and photos backing its claim that extensive damage was being done to natural resources such as the area's swamps—on both sides of the border—and that Ejército de Nicaragua troops had set up camp in Costa Rican territory ([NotiCen, Dec. 16, 2010](#)).

After days of lengthy and fiery debate between the parties, the OAS recommended, among other things, that both countries not deploy or station security forces there and maintain a prudent distance from the conflict area.

From the start, Nicaragua said that the OAS had no authority in the matter and that the appropriate arbiter was the ICJ.

While preparing the case it was to bring before the World Court, the Chinchilla administration repeatedly said its Nicaraguan counterpart headed by President Daniel Ortega was ignoring OAS recommendations, while the Ortega government repeatedly said its troops were on Nicaraguan soil ([NotiCen, Jan. 20, 2011](#)).

As allegations flew back and forth, the court met Jan. 11-13 at its headquarters in the Dutch city of The Hague to hear both sides.

Costa Rica then requested the ICJ precautionary measures, including complete Nicaraguan military withdrawal and a stop to environmental damage.

Almost a month later, the world's top legal body produced its anxiously awaited decision. The 86-point, 23-page order told both countries to keep military (in Nicaragua) and police (in Costa Rica, which abolished its army six decades ago) away from the conflict area.

It also said that civilian Costa Rican personnel could go into the conflict area, "but only in so far as it is necessary to avoid irreparable prejudice being caused to the part of the wetland where that territory is situated."

To do so, Costa Rica must consult with the secretariat of the Ramsar Convention, which protects wetlands worldwide, "give Nicaragua prior notice," and "use its best endeavors to find common solutions with Nicaragua in this respect," said the court.

Both countries ordered not to aggravate dispute

According to the last two measures, both parties have to refrain from actions aggravating or extending the dispute, which the ICJ is to resolve in a process that experts and Costa Rican authorities say could take up to three or four years.

And both countries must keep the court updated as to their respective compliance with the provisional measures it ordered.

The Costa Rican government's satisfaction with the measures and its feeling of victory stem from several readings of the ICJ's decision, which the court made a point to clearly state must not in any way be interpreted as an advance of its eventual ruling on the conflict as a whole.

Costa Rican authorities say that, to begin with, despite Nicaragua's request that the court "dismiss the request for provisional measures filed by the Republic of Costa Rica," the legal body did not do so and went on to order such measures.

In addition, high officials, including Costa Rica's Ambassador to the OAS Enrique Castillo, say the court told Nicaragua to retreat from the conflict area and at the same time allowed Costa Rican civilians to go in as needed to check the degree of damage done to the environment and see how this can be remedied.

Just over an hour after the measures were announced in The Hague, Castillo, accompanied by Costa Rica's Ambassador to the UN Eduardo Ulibarry, Communications Minister Roberto Gallardo, and Vice Minister of Foreign Affairs Carlos Roverssi, emphatically said the court's decisions meant "putting a stop to Nicaragua, putting a stop to the Nicaraguan government's actions, telling Nicaragua, 'You don't go any further than this, you cease all actions hindering Costa Rica's interests or its rights.'" Castillo added, "This is fundamental."

Gallardo then announced that "the government's initial reaction is a reaction of deep satisfaction."

At noon, the president went on live, nationwide television, from the auditorium at the Tribunal Supremo Electoral (TSE), to tell the country that "the measures in favor of Costa Rica have exceeded our expectations." She added, "Today is a day of jubilation. Also, of hope and reconciliation."

"Today, we celebrate...the triumph of our recent effort in the face of aggression....Our Nicaraguan brothers and sisters must celebrate as well, today, because the court's decision is fair," said the head of state. "It strengthens principles that are valuable to all civilized peoples, and it opens the way for us to normalize our unbreakable ties, in the midst of important, unsolved political differences."

"Based upon mutual compliance and good faith, we must move forward. Many are the challenges that await us, but many, as well, are the opportunities ahead and many the hopes that drive us,"

Chinchilla said. "Long before knowing the [court's] decision...I promised we would fully and in good faith comply with it. Today, I reiterate that."

"We expect the same commitment from the government of Nicaragua, so what the International Court of Justice ordered turns into tangible and verifiable facts. The government of Nicaragua has the duty to comply fully and immediately," warned the Costa Rican president.

Along those lines, Costa Rica's Foreign Minister René Castro told a press conference, three days later, that what he described as the conflict's "first cycle" was closed and that the ICJ had told both sides to coordinate action on two key issues—the struggle against organized crime and caring for the wetlands.

"The court tells us, 'We want that, for the future, key elements such as fighting organized crime be coordinated by the two countries, and we want that, in the future, key elements such as integral dealing with wetlands artificially divided by humans, with a border, be coordinated by both countries, and we want them to tell us what progress they're making,'" said Castro.

The foreign minister also said that, on fighting drug trafficking, "a review of regional—Central American—proposals is scheduled to take place in June, along with how all that impacts the [Costa Rica-Nicaragua] issue, but, if adequate conditions arise before, we'll probably be moving on bilaterally."

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