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by George Rodriguez
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The land border shared by Costa Rica and Nicaragua, stretching some 309 km from east to west, has been the stage for recurring tension between the Central American nations. These two frequently quarreling neighbors are no strangers to the International Court of Justice (ICJ); neither is the geographical where their tensions are centered.

Prior to the present five-month-old conflict, Costa Rica took Nicaragua before the ICJ in 2004, requesting the court to rule in favor of its position that Costa Rican police be allowed to navigate, armed, along the Río San Juan (NotiCen, Nov. 3, 2005).

The river runs in Nicaraguan territory next to most of the common border, covering some 120 km between the Nicaraguan towns of San Carlos, on the southeastern coast of Lake Cocibolca—better known as Lake Nicaragua—and San Juan de Nicaragua on the southern tip of that country’s Atlantic Coast. Costa Rica has some navigation rights on the San Juan, mainly for economic purposes.

Some five years later, in July 2009, the ICJ ruled that Costa Rican police could not carry weapons while cruising the river and recognized Costa Rica’s free navigation right for commercial purposes, including tourism (NotiCen, July 16, 2009).

But whatever harmony had thus been achieved was not destined to last. On Oct. 21, 2010, Costa Rica reported that Nicaragua had violated its sovereignty by dumping, on Costa Rican soil next to the border, sediment from the dredging of the Río San Juan that had begun days before (NotiCen, Nov. 18, 2010).

Costa Rica later reported that Nicaraguan Army troops had entered the same Costa Rican territory—Isla Portillo—and that extensive damage had been done to the wetlands there, which extend on both sides of the border. Isla Portillo is the northern, 3-sq km, portion of Isla Calero on the eastern end of the border and the northeastern tip of Costa Rica’s territory on the Caribbean.

Nicaragua denied the allegations, stating that its troops had neither violated Costa Rican sovereignty—since they were on Nicaraguan territory—nor had environmental damage been caused to the wetlands.

Among other diplomatic actions, Costa Rica again took its neighbor to the world’s top tribunal, substantiating its allegations and requesting precautionary measures that would stop what was happening.

Both sides see ICJ ruling as victory

After hearing both sides on Jan. 11-13, and while it studies each party’s claim that the territory in question is part of its own sovereignty, the ICJ ordered precautionary measures, contained in an 86-point, 23-page document (NotiCen, March 17, 2011).
The court told both countries to withdraw security forces—military in Nicaragua’s case and police in that of Costa Rica, since this country abolished its army more than six decades ago—to abstain from aggravating or extending the dispute, and to keep the court abreast of its compliance with the measures.

The court also stated that, regardless of the point on withdrawal of security forces, Costa Rican civilians were to enter the disputed area "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.

The measures, which each side received as its victory and its rival’s defeat, are seen by Costa Rica as an opportunity to begin a gradual process of normalizing relations, inasmuch as what the ICJ ordered is complied with by both parties.

Late last month, Costa Rica proposed a technical meeting, now set for April 12, to deal with border-security issues such as drug trafficking and other forms of organized crime.

Simultaneously, it announced that the first 153-strong unit of its reactivated Policía de Fronteras (Border Police) had been trained, and on March 30, Costa Rican President Laura Chinchilla went to the northern town of Los Chiles, some 200 km northwest of the capital San José and some 8 km from the border, to make the group operational.

"In Costa Rica...we have neglected our borders," and "much of this problem is associated, precisely, with international crime, and most particularly, with drug trafficking," she said then. "A country that does not take care of itself is a country that gives up sovereignty...and this is what, somehow, we Costa Ricans have caused."

Six days before, during a press conference in San José, Chinchilla said that, regarding Nicaragua, the Costa Rican Ministerio de Relaciones Exteriores y Culto had "informed the government of Nicaragua of our interest in also tending to the court’s orders."

This, "in reference to the need to program joint actions between Nicaragua and Costa Rica to tend to drug-trafficking problems and problems having to do with protecting biodiversity in the entire area," Chinchilla added. "The important thing is to seek the mechanisms to begin working toward that, and I assume there will be a first stage where officials at a technical level will sit down to program."

**Ramsar delegation stirs more tension**

Late last month, Costa Rica also announced a week-long visit, starting April 4, of a Ramsar Convention three-member delegation which was to go to Isla Portillo with Costa Rican environmental experts to monitor what damage has been done to the area’s wetlands.

Three days before the arrival, Nicaragua protested against the visit, saying that Costa Rica should fully explain the reasons behind it and that the possibility of such a visit should be taken up during the security meeting.
In his written protest, Nicaraguan Foreign Minister Samuel Santos told Costa Rican counterpart René Castro that "entering the disputed zone under the conditions stated by Costa Rica [in a March 30 letter] does not comply with what is stated in the court’s order of March 8, 2011."

"It is not enough to send a simple notification two workdays prior to the visit and with no explanation whatsoever as to the urgent reasons for said visit," added Santos.

In order to carry out the visit, the Costa Rican government "must have the elements that state that there is risk of irreparable damage to the disputed territory and that Ramsar is to be consulted on that and that it also consider the threat of irreparable damage," said the Nicaraguan official.

But Costa Rican Foreign Relations Vice Minister Carlos Roverssi immediately reacted telling reporters in San José that "we received two notes from the government of Nicaragua that maintain the bad faith it has kept throughout all this process."

The notes show Nicaraguan officials are "trying to distort our specialists’ visit—we hope they are accompanied by Ramsar—to Isla Portillo, as it was stated by the International Court of Justice," said Roverssi. "What they’re trying is to distort the court’s resolution...We’ll respond when the time comes. For now, I only point out there’s no reason at all to suspend Costa Rica’s intervention...in Isla Portillo."

A Ramsar Convention mission of wetlands experts arrived in Costa Rica the evening of April 3 and met the following morning at the Ministerio de Relaciones Exteriores with local counterparts. By midafternoon, Costa Rica authorities, including Roverssi, announced during a press conference at the ministry that the visit was on for April 4, despite Nicaragua’s opinion to the contrary.

Environment Vice Minister Ana Lorena Guevara told journalists that the visit to the site would "give us, for the first time, the opportunity to see the possible damage. From there we will effectively begin to determine what environmental measures to apply. This plan must be totally coordinated with the Ramsar Convention, exactly as the [ICJ] resolution states."

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