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Costa Rica and Nicaragua Find Grounds for Cooperation and Coordination in Fighting Organized Crime

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Amid intense expectations, Costa Rican and Nicaraguan officials—with Guatemala and Mexico facilitating the bilateral dialogue—met last month, for the first time since their conflict broke out in October 2010, to talk about security—nothing else.

The main topic dealt with how to structure a coordinated procedure for fighting organized crime—specifically drug trafficking—that might occur at the spot on the easternmost segment of the 309 km land border shared by both countries, the spot where the conflict began.

On Oct. 21, 2010, Costa Rica said Nicaragua had violated its sovereignty by dumping sediment from the dredging of the San Juan River, a task begun several days earlier, on Costa Rican soil next to the border—precisely on Isla Portillo (NotiCen, Nov. 18, 2010).

After that, Costa Rica said that Ejército de Nicaragua troops had entered the same territory and that massive damage was being caused to the wetlands there—a swamp area covering either side of the border.

Isla Portillo is the northern, 3 sq km portion of Isla Calero on the eastern end of the border and on the northeastern tip of Costa Rica’s territory on the Caribbean.

Nicaragua’s reaction was to deny Costa Rican allegations and at the same time stress that its military forces had been on Nicaraguan territory, therefore not violating Costa Rica’s sovereignty, and that no damage had been inflicted on the wetlands.

Costa Rica turns to ICJ

After turning to the Organization of American States (OAS), which Nicaragua disqualified as a forum for discussing the conflict, Costa Rica went to the International Court of Justice (ICJ). In so doing, this Central American nation made its case against its neighbor and requested the world’s top legal body to order provisional measures, thus stopping what was reportedly happening in Isla Portillo (NotiCen, Jan. 20, 2011).

The tribunal took three days, Jan. 11-13, 2011, to hear both sides and on March 8 ordered certain measures. In an 86-point, 23-page document, the ICJ told both countries, among other things, to see to it that measures be amicably agreed upon so as not to let up on the struggle against organized crime.

This posed a challenge to their creativity, since the court also ordered both parties to "refrain from sending to, or maintaining in, the disputed territory...any personnel, whether civilian, police or security." It also told them to "refrain from any action which might aggravate or extend the dispute before the Court or make it more difficult to resolve."

Specifically on fighting organized crime, the ICJ stated, in Paragraph 78 of its order, that "to prevent the development of criminal activity in the disputed territory in the absence of any police or security
forces of either Party, each Party has the responsibility to monitor that territory from the territory over which it unquestionably holds sovereignty."

"It shall be for the Parties’ police or security forces to cooperate with each other in a spirit of good neighborliness, in particular to combat any criminal activity that may develop in the disputed territory," it further pointed out.

The ICJ acknowledged that Costa Rica abolished its Army six decades ago and that security and defense matters are the responsibility of its police forces.

Costa Rica proposes meeting

Seeing compliance with the provisional measures by both countries as an opportunity to start normalizing the recurrently strained relations, Costa Rica proposed, in late March, that a technical meeting be held to tackle security issues—mainly organized crime, specifically drug trafficking—in the conflict area. The meeting was set for April 12.

Since neither party wanted the talks to be held on just one side of the border, they agreed to hold them outdoors, under canopies, with each delegation on its side of the line, between the border posts at Peñas Blancas, on the west end of the limit. Both nations’ immigration-custom posts there are thus named and are, respectively, 311 km northwest of San José, Costa Rica’s capital, and 147 km southeast of Managua, Nicaragua’s capital.

Before the meeting began, Costa Rican authorities arranged an area inside one of the customs buildings on its side of the border for the talks to take place. The previous night, across the borderline, their Nicaraguan counterparts had set up a white canopy and let their Costa Rican interlocutors know they would not come in.

Costa Rican authorities had to quickly set up their own white canopy, on their territory, facing the protecting structure on the other side, and to do so had to get two police officers to make the needed space in the open by hastily sawing off a portion of the wire mesh marking that sector of the border.

The two-hour meeting held under canvasses in the high temperature ended with one agreement—to meet again in Guatemala in May and draw up a protocol containing coordination- and information-sharing procedures for security in the dispute area.

Shortly after the meeting ended, Costa Rica Vice Minister of Foreign Affairs Carlos Roverssi told NotiCen that "a small, constructive step" had been taken. However, "the problem of the loss of trust" had not been overcome, Roverssi warned.

Second meeting held

Thus, the chaos marking the first meeting after the outset of the conflict gave way to the second, more articulate, round of talks, almost a month later, in neutral Guatemala. It was held on May 5, in the town of Antigua, a tourist attraction known for its handcrafts and other indigenous traditions, some 45 km southwest of Guatemala City, the country’s capital.

Back from the meeting, Walter Navarro, vice minister of security and former Costa Rican Fuerza Pública director, told NotiCen that, "in a very friendly atmosphere," both sides’ "positions were analyzed all along, and I think we came up...with a document that managed to satisfy both parties." The text is "really short" and to the point, said Navarro.
"Intelligence and operations teams are going to be working," added the official, saying that actions would be carried out by "each, in its own territory...exchanging information, to avoid misunderstandings."

The court’s "resolution is clear: no one may enter the zone" of conflict, Navarro underlined. "There are different kinds of police action...in events that are planned by the countries and in extraordinary events of intervention."

The idea is to avoid that, "in hot pursuit, someone makes a mistake" and crosses the border from one country into the other, Navarro mentioned as an example. Thus, "when there’s information, the information is provided to us...on our side, on Costa Rican territory, and we take the measures needed."

In Antigua, "what we established were control mechanisms" among which "there’s going to be meetings every six months," Navarro said. "What is sought, mainly, is that with all those mechanisms there is a flow of information between both countries, with the aim...of creating forceful and clear action against organized crime, in compliance with the ICJ’s resolution, in Paragraph 78. And also, to avoid an incident or accident in the border area because of some misunderstanding or lack of information. This is very important.

The meetings every six months will be held "to evaluate what’s being done," and they will be "top level," said Navarro, adding that the sites "will be agreed on together with Guatemala and Mexico, who at this time are mediating between the two countries [in conflict]."

Navarro on the Costa Rican side and Primer Comisionada Aminta Granera, head of the Policía Nacional (PN), on the Nicaraguan side were appointed as "the coordinating authorities for each country," the vice minister reported.

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