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Costa Rica-Nicaragua Tensions Rise As Governments Escalate Exchange of Words

by George Rodriguez
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Costa Rica and Nicaragua, the frequently quarreling Central American bordering nations, are yet again at each other's throats. As usual, the "Tico-Nica" quarrel is on sovereignty, and this time it refers to mainly two issues at the same time, the undefined territorial waters in both the Caribbean Sea and the Pacific Ocean and the northwestern Costa Rican province of Guanacaste—bordering Nicaragua.

Both add to the dispute focused on a spot on the eastern sector of the 309 km border the countries share, an issue dating back to October 2010 and now being studied by the International Court of Justice (ICJ).

In 2009, before the latest tug of war, the world’s top tribunal settled an issue that Costa Rica took there four years earlier, regarding the Nicaraguan Río San Juan, which flows next to a major part of the common border (NotiCen, July 16, 2009). Costa Rica, with navigation rights on the river, proposed that its police be allowed to travel on the river, carrying weapons, and received an obvious negative reply from its northern neighbor.

In its ruling, the ICJ supported Nicaragua’s denial of Costa Rica’s proposal and recognized the latter’s right to free navigation for commercial purposes, including tourism.

New controversy goes to ICJ

It was only a matter of time before a new binational dispute erupted, and it happened in October 2010, when Costa Rica accused Nicaragua of having militarily invaded a portion of its territory in the border area and of having caused environmental damage there (NotiCen, Jan. 20, 2011). The charges were denied by Nicaragua, which countercharged that its neighbor was actually the invader of Nicaraguan territory.

The area in question is Isla Portillos, a 3 sq km spot making up the northern portion of Isla Calero, a swamp zone Nicaragua calls Harbor Head.

At the request of the Costa Rican side, on March 8, 2011, the ICJ issued a set of precautionary measures, contained in an 86-point, 23-page document, while it continues to study the case. The ICJ told both countries to withdraw security forces—military in Nicaragua’s case and police in Costa Rica’s, since the country abolished its Army more than six decades ago—to abstain from aggravating or extending the dispute, and to keep the ICJ abreast of each one’s compliance with the measures imposed on the two.

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

Since then, Costa Rica has repeatedly accused Nicaragua of sending members of Guardabarranco, the ruling Frente Sandinista de Liberación Nacional (FSLN) youth movement, to Isla Portillos and has pointed out it is a violation of the measures imposed by the ICJ. The movement is named after the country’s colorful, 35 cm long national bird.

Nicaragua later accused Costa Rica before the ICJ of having caused environmental damage to the Nicaraguan side of the border by building a dirt road next to it, on the Costa Rican side (NotiCen, March 15, 2012, and Jan. 31, 2013). The Court decided to combine the two cases, a point won by Nicaragua.

**Territorial waters now included in dispute**

This year, the level of tension between both confrontational neighbors has spiraled on territorial waters and regarding Guanacaste.

In a July 22 communiqué, Costa Rica’s Ministerio de Relaciones Exteriores y Culto reported that the country had complained to Nicaragua about what it described as the latter’s publicized offer to grant oil-exploration concessions in Costa Rican maritime spaces in both the Caribbean Sea and the Pacific Ocean.

The ministry reported that Foreign Minister Enrique Castillo sent a letter of protest to Nicaraguan Foreign Minister Samuel Santos requesting "the immediate withdrawal" of the offer contained in the Petroleum Promotional Folder of Nicaragua.

Castillo also said in the letter that Costa Rica "demands that Nicaragua not offer concessions for oil exploration or production … in both the Pacific Ocean and the Caribbean Sea trespassing maritime spaces pertaining to Costa Rica." It is "clearly visible that an important amount of these blocks or areas offered by Nicaragua are in Costa Rican maritime spaces, according to international law," added the minister.

The official also pointed out that on Aug. 26, 2002, Costa Rica invited Nicaragua to begin negotiations on sea borders, a process "which was unilaterally suspended by Nicaragua in 2005." The Nicaraguan government’s "conduct, making offers for oil exploration and production in maritime spaces belonging to Costa Rica, is very serious," Castillo warned in his letter to Santos.

The following day, Costa Rica’s President Laura Chinchilla was quoted by the local daily newspaper La Nación as saying that Nicaragua’s oil-exploration offer shows that country’s disregard for Costa Rican sovereignty. "It’s clear that Nicaragua is selling itself," she said, adding, "If they want to, they can do it with their own country, but they must respect Costa Rica’s borders and sovereignty."

One day later, Castillo further stressed the country’s outrage, saying, "The road is for the two countries to draw the [sea] limits or ask someone to do so. If not, we’re going to ask the International Court of Justice to draw them, but we’re not going to tolerate such expansionist arrogance."

The minister said that Nicaragua’s stand is a policy "from decades back, and which has gone on from government to government, but which, of course, the Sandinista government has taken to extreme situations," referring to the ruling Frente Sandinista de Liberación Nacional (FSLN). "It
follows a strategy. They want to get ahold of all the seas and have no respect for their neighbors. In Costa Rica’s case, we don’t have a [sea] limits treaty, and any decision of this kind must be jointly made, and [sea] limits must be jointly established."

"Costa Rica recently made a proposal to Nicaragua, to ask a neutral, objective, scientific organization of the UN, specialized in such topics, to set up some provisional limits, but Nicaragua didn’t want to. Why not? Precisely because their interest is to do as they please and grab territory wherever possible," Castillo pointed out.

Nicaragua threatens to claim Costa Rican province

Approximately a month later, things took an even more complicated turn, when, during an anniversary celebration of the Fuerza Naval del Ejército de Nicaragua, President Daniel Ortega mentioned the possibility of Nicaragua claiming, before the ICJ, the Costa Rican province of Guanacaste. Press reports out of Managua, the Nicaraguan capital, said Ortega also expressed willingness to begin talks with Costa Rica on sea limits and to solve the border dispute.

Ortega’s statements—which he has repeatedly made since—caused Costa Rican authorities’ rejection and further increased their outrage. Among other actions, President Chinchilla’s administration sent a letter to the UN and the Organization of American States (OAS) authorities, reporting on the increasingly tense situation between both countries.

On Aug. 22, government officials, including Chinchilla, took part in an event in the northwestern Costa Rican city of Nicoya, some 250 km northwest of San José, the nation’s capital, to ratify Guanacaste as a part of this country’s territory.

In the colonial period, and during the early independence years in the 19th century, the Partido de Nicoya—presently the western portion of Guanacaste—enjoyed political autonomy. In 1824, three years after independence, Nicoyanos took part in a popular vote to decide which of the two new Central American nations to belong two, and the majority opted for Costa Rica.

In this year’s Sept. 15 speech celebrating 192 years of independence, President Chinchilla, a former security as well as justice minister, former congresswoman and vice president, referred to a "painful chapter that has remained open for many years but has become more evident during my term in office," which ends May 8, 2014. "From the north, verbal, political, and military aggression has been encouraged against Costa Rica. Some advise us to not listen to the thuggery they are trying to make us get used to. I, however, respond to them that there is no greater foolishness than to not pay attention to the threats."

"We must embrace a ... nationalist feeling. We must remain alert and vigilant, ready to go to the end, using the legitimate instruments allowing for the defense of our sovereignty," the president told Costa Ricans, referring to diplomacy and the country’s abolishing its Army more than six decades ago.

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