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Nicaragua, Honduras Clash Over Maritime Boundary

by LADB Staff

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Nicaragua and Honduras are locked in a conflict regarding their maritime boundary in the Caribbean Sea following the ratification by Honduras and Colombia of a 1986 treaty that gives Colombia rights in the area. Nicaragua has refused to lift trade and other sanctions it slapped on Honduras in retaliation for ratifying the treaty, and the matter is now headed for the International Court of Justice at The Hague, Netherlands.

The dispute began Nov. 27 when the Honduran government announced that the legislature would take up ratification of the Lopez-Ramirez Treaty, signed with Colombia in 1986. The treaty recognizes Colombian sovereignty over the San Andres Archipelago and the islands of Providencia and Santa Catalina, which lie east of Nicaragua in the Caribbean. The area is valued as a fishing ground and for its natural gas and oil deposits. Colombia claims the islands under a 1803 treaty with Spain and another with Nicaragua in 1928.

But Nicaragua also claims the islands and says the new treaty would give Colombia 130,000 sq km of its continental shelf. In 1928, Nicaragua accepted the 15th parallel as its maritime boundary with Honduras and surrendered its claims to the islands in the Barcenas-Meneses-Esguerra Treaty, which it signed with Colombia during the US military occupation of Nicaragua.

The Sandinista government, headed by President Daniel Ortega (1979-1990), repudiated the treaty in 1980, arguing that the US pressured Nicaragua into signing to compensate Colombia for the loss of its Panamanian province under a US-sponsored revolt in 1903. Since 1980, Nicaragua has set its maritime boundary with Honduras along a diagonal line drawn from the Rio Coco at the 15th parallel northeast to the 17th parallel.

The Honduran position is that the new treaty puts order into overlapping claims in the Caribbean among several countries and only confirms the 15th parallel which both Honduras and Nicaragua have long observed as their common Caribbean border. Rafael Pineda Ponce, president of the Honduran National Assembly, said the 1986 treaty laid the groundwork for treaties with Belize, Cuba, the Cayman Islands, Guatemala, Haiti, Jamaica, and Mexico to define boundaries throughout the Caribbean.

Pineda countered a Nicaraguan assertion that the 1986 treaty gives it no outlet to the Caribbean by noting that the treaty does not confer sovereign rights to any part of the sea, but rather assigns rights to resources found there. President Aleman launches offensive against treaty On Nov. 29, a day before debate began in the Honduran legislature on ratification, Nicaraguan President Arnoldo Aleman launched a campaign to challenge the treaty. He told Nicaraguans in a nationwide address that he would oppose ratification because the treaty violated Nicaraguan territory.

When Honduras printed a map showing the Rio Coco as part of its national territory, Nicaraguan Foreign Minister Eduardo Montealegre responded with an announcement Dec. 22 that all maps of Nicaragua and Central America would have to be approved by the ministry's Office of Sovereignty and Territory.

In response to a Nicaraguan complaint, the Corte Centroamericana de Justicia (CCJ) asked Honduras to suspend consideration of the ratification bill, but Honduras refused to comply on grounds that the court did not have jurisdiction in boundary disputes. Honduras ratified the treaty Dec. 1, and Nicaragua filed a complaint with The Hague on Dec. 7. A hearing is scheduled for Feb. 4. At the start of the controversy, Aleman warned that the "blow" delivered by Honduras would make regional economic integration impossible.

On Dec. 1, in violation of Central American trade agreements, he ordered a 35% increase in tariffs on goods from Honduras and Colombia. Nicaragua began collecting a US\$100 fee on trucks carrying Honduran goods through Nicaragua bound for other countries in the region. Aleman also ordered improvements in the Pacific port of Corinto to handle exports that normally would pass through Puerto Cortes in Honduras.

Aleman warned he would sue in international tribunals any company that began exploring for natural resources in the disputed zone. He also said he would break diplomatic relations with Honduras if that proved necessary.

Nicaraguan military goes on alert

Both sides said they wanted to avoid war, but Aleman mobilized troops on the Honduran border and the National Assembly increased the military budget. Aleman warned that the army was ready to defend Nicaraguan territory. On Dec. 2, Javier Carrion, Nicaragua's army chief of staff, said the army was on a state of alert because of "the allied aggression of Honduras and Colombia."

The army reportedly set up anti-aircraft batteries at the Managua airport in case of an Honduran air attack. At the same time, the Honduran military began exercising control over the Rio Coco. The Nicaraguan press reported that Honduras was refurbishing US-built airfields and contra bases used during the Central American wars of the 1980s to prepare for possible strikes against Nicaragua.

Aleman assailed Colombia Jan. 10 for scheming with Honduras to rob Nicaragua and he described Colombia as a nation on the verge of collapse from "bloody, anarchic chaos" brought on by its struggle with guerrillas and drug traffickers.

Colombian Foreign Minister Guillermo Fernandez de Soto sent Nicaragua a formal note of protest and said Aleman's remarks were an interference in internal Colombian affairs. Honduran President Carlos Flores said Aleman's reaction was "out of proportion" and pledged to work within the norms of international law to resolve the dispute. He asked the Honduran people to be prudent in their response.

Some commentators took Aleman's belligerence as a smokescreen to cover his domestic troubles related to the jailing of Comptroller General Agustin Jarquin and the uproar regarding

constitutional reforms. In Honduras, Carlos Denton, president of the polling firm Cid-Gallup, said Aleman "needed a noisy international dispute to fan the flames of xenophobia and divert attention from internal problems, which include a high level of unfavorable opinion in the polls."

Denton recalled that, in 1999, Aleman carried on a sword-rattling dispute with Costa Rica over the Rio San Juan boundary between the two nations (see NotiCen, 1998-08-13, 1999-07-15). Case goes to court Honduras complained to the CCJ that the Nicaraguan trade sanctions violated international trade treaties. On Jan. 12, the court ordered Nicaragua to lift the sanctions. Then, on Jan. 18, the same court, ruling on a Nicaraguan complaint, declared Honduras in contempt for its failure to comply with the earlier order to suspend ratification of the treaty with Colombia.

Meanwhile, Colombia filed a protest against the trade sanctions with the World Trade Organization (WTO). Nicaragua offered to lift the sanctions provided Honduras withdrew from the treaty, but Honduras refused the offer as "totally unacceptable." In a formal reply, the Honduran Foreign Ministry said rulings by the CCJ were not subject to any conditions and that the Nicaraguan offer was inconsistent with agreements on Central American economic integration.

US diplomat Luigi Einaudi, appointed as special envoy by the Organization of American States (OAS), has travelled to both capitals to press for a mediated settlement. In a Dec. 29-30 meeting in Miami, Nicaraguan Foreign Minister Montealegre and his Honduran counterpart Roberto Flores signed an agreement with Einaudi to resolve the dispute peacefully and to abide by The Hague tribunal ruling. They also agreed to demilitarize border posts, to set up a military exclusion zone in the Caribbean, and to guarantee the safety of fishing fleets in the Caribbean and communities along the Rio Coco border.

The next round of talks took place Jan. 12-13 at OAS headquarters in Washington. Both foreign ministers were optimistic about the results of the meeting, though Einaudi said the risk of war had not entirely disappeared and the boundary issue had not been settled. Einaudi said another round of ministerial-level talks would take place at the headquarters of the Sistema de Integracion Centroamericana (SICA) in San Salvador in early February. [Sources: Associated Press, 11/30/99; Notimex, 11/29/99, 12/02/99; Excelsior (Mexico), 10/03/99; La Prensa (Nicaragua), 12/19/99; El Tiempo (Honduras), 12/01/99, 12/02/99, 12/18/99, 12/19/99; Honduras This Week, 12/20/99; La Prensa (Honduras), 12/01/99, 12/22/99, 12/31/99, 01/09/00, 01/13/00, 01/14/00; El Nuevo Diario (Nicaragua), 12/15/99, 12/23/99, 12/27/99, 01/13/00; Reuters, 01/14/00; Spanish News Service EFE, 12/22/99, 01/17/00; Agence France-Presse, 01/20/00]

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