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## Nicaragua and Honduras Claim Victory in Court

by LADB Staff

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The Corte Centroamericana de Justicia (CCJ) issued its ruling Nov. 29 on the Honduras-Nicaragua maritime boundary dispute, but the ruling apparently will not settle the controversy. In two separate decisions, the court concluded by a split vote that both countries had acted against regional integration. However, each country has recognized only the ruling against the other, indicating that resolution of the dispute may have to await a ruling from the International Court of Justice at The Hague.

In November 1999, the Honduran legislature ratified the 1986 Lopez-Ramirez Treaty with Colombia that set the maritime boundary between the two nations in the Caribbean. The Nicaraguan government said the treaty deprived Nicaragua of a large chunk of national territory along the continental shelf and took the case to the CCJ. The court asked Honduras to suspend ratification of the treaty, but Honduras refused, arguing that the court did not have jurisdiction in the matter. Responding to a Honduran complaint, the CCJ ordered Nicaragua to lift the retaliatory trade sanctions it had imposed on Honduran and Colombian imports.

Nicaragua refused and filed a complaint with The Hague tribunal (see NotiCen, 2000-01-27). Since the dispute began, regional stability has been upset by border incidents between the two countries and claims by Nicaragua that Honduras was engaged in an arms buildup in preparation for war (see NotiCen, 2001-04-05). In its latest rulings, the CCJ ordered Honduras to abrogate the Lopez-Ramirez Treaty and ordered Nicaragua to rescind the 35% punitive tariff on Honduran and Colombian goods. The panel that heard the case consisted of two magistrates each from Honduras, Nicaragua, and El Salvador. Their ruling asserted that Honduras had acted contrary to Central American integration protocols by signing the treaty, and that Nicaragua had done the same by imposing the punitive tariff.

Both Nicaragua and Honduras have recently elected new presidents (see NotiCen, 2001-11-08, 2001-11-29). At the end of November, presidents-elect Ricardo Maduro of Honduras and Enrique Bolanos of Nicaragua pledged to overcome any obstacle to regional integration. But in a meeting with Maduro Nov. 30 in Honduras, Bolanos did not discuss the CCJ ruling on the tariff. He said he would put off dealing with the issue until he took office in January.

In Nicaragua, the legislature and President Arnoldo Aleman were adamant that Honduras had to act first, abrogating the treaty before the tariff could be rescinded. Calling the CCJ decision on the treaty "a moral, juridical, and diplomatic victory,"

Foreign Minister Francisco Aguirre said that Nicaragua would obey the court order to drop the tariff and that he hoped Honduras would renounce the Lopez-Ramirez Treaty. However, elsewhere in the statement Aguirre said the Nicaraguan government would "study" the ruling and ask the court for clarification before announcing what it would do. "If, after we get clarification, we see that the

ruling indicates we should lift the 35% tariff, we will recommend it to the president," Aguirre said. Honduran authorities accepted only the ruling against the Nicaraguan tariff as valid.

Secretary of Foreign Relations Roberto Flores said the court did not condemn Honduras for ratifying the treaty but ruled only that the treaty was in violation of the 1991 Protocol of Tegucigalpa that set up the framework for Central American integration. The section of the ruling that said the treaty violated regional integration by forming a Honduras-Colombia trade bloc was in error, Flores said. He said that the Lopez-Ramirez Treaty did not cover economic issues and that, as a boundary agreement, the treaty contributed to international peace and security. He also said the treaty was written before Central America had defined its regional integration protocol. Finally, he asserted that the court did not have competence in the area of maritime boundaries and that Honduras would only comply with the ruling from The Hague tribunal.

Further indicating that the controversy is not over, Flores said the ruling against the tariff opened the way for Honduran businesses affected by the tariff to sue for damages. "The government of Honduras is ready to assist any business that sues the government of Nicaragua for damages and losses it has suffered," Flores said. Business associations estimate that 32 Honduran firms lost more than US\$30 million since the tariff was imposed in December 1999.

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