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Peace Without Arms: Viable Option or Far-Fetched Ideal?

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Abstract: This paper argues that a State can reconstruct its own politics in such a way that allows for more reliance on conflict resolving international organizations and institutions and can reduce the need for military force and/or power politics. Accordingly, the complexities of the security dilemma can be reduced or eliminated. I utilize a single case study approach that analyzes the 2010 territorial conflict known as the ‘Isla Calero’ dispute between Costa Rica and Nicaragua. Using both an inductive approach and semi-structured interviews, this paper analyzes how the dispute was settled without the use of power politics. It is argued that Costa Rica was able to halt the cycle of the security dilemma through their decision to demilitarize. Moreover, I argue that Costa Rica’s approach is relevant and applicable to other states and could contribute to successful conflict resolution between States without the use of power politics.

Keywords: Security Dilemma, Isla Calero, Conflict Resolution, Peace, Demilitarization, Costa Rica, Nicaragua



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Introduction

The global atmosphere today is marked with a resurgence of fear and mistrust among states. Rising powers in the East have been perceived as a threat to the West, instability in the Middle-East seems to have no end in sight, and terrorist attacks internationally are becoming a common occurrence. Tensions continue to rise and conflicts are becoming more and more likely. Adding to the risk of conflicts is the fact many of the states who are caught up in these rising tensions, are also in possession of nuclear weapons. If relations between major states collapsed enough to lead into an international war the results would be even more devastating than WW2. The staggering amount of weapons of mass destruction in States arsenals today ensure that a WW3 would be unlike anything we have ever seen in history.

This is why the development of peaceful resolution tactics is becoming increasingly important. Despite the many conflict zones and areas that appear to be on the verge on conflict in the world today, there are States that have successfully managed to revolutionize their security doctrines in such a way that relies on and promotes peaceful conflict resolutions. Many existing theories talk about how peaceful resolution occurs between two countries that share the desire for a peaceful negotiation and conclusion, but this doesn't explain how to utilize these principles with a State that does not prioritize peaceful methods.

The Charter of the United Nations calls for, and provides the framework for, the peaceful settlement of disputes and forbids the use of threat and force (article 2, sections 3 and 4). Article 51 allows a provisional exception for self-defence, but it is highly limited. (United Nations 2015) Despite this, peaceful conflict resolution is still not the norm in the



international community. Many countries maintain huge armies, stockpiles of weapons, and weapons of mass destruction. It seems that the use of force between States is an inevitable result of the global system. Yet, there are States that have chosen not to have an army and to revolutionize their security doctrines in way that relies of peaceful methods over the threat of force.

1.1 Introducing the issue area and Case Selection

Taking the concept of peaceful conflict resolutions a step further leads to the question: Can a state ensure its security without any threat of force? Is it possible for that State to maintain its sovereign rights without a military force? Taking this train of thought even further: Is international peace possible without militarization? These are the questions that led to the creation of more defined researched questions which are shown in section 1.3.

There are 26 States today that exist without armed forces. This includes Andorra, Cook Islands, Costa Rica, Dominica, Grenada, Haiti, Kiribati, Liechtenstein, Marshall Islands, Mauritius, Federated States of Micronesia, Monaco, Nauru, Niue, Palau, Panama, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Solomon Islands, Tuvalu, Vanuatu, and Vatican City. (Barbey 2015) Many of these small countries have agreements with larger armed states that are committed to providing military defense if invaded by another country. Others rely on joint agreements among several states to ensure their safety. And only a few have no agreement with any outside state that would be obligated to protect them. And even for those States with signed agreements from outside States to provide protection if needed, there is no guarantee for them that this agreement would be kept.

This case of Costa Rica and its conflict with Nicaragua was chosen for several reasons. First of all, the dispute occurred recently which means it is an accurate reflection of



international conflict resolution in the current global atmosphere. A second reason is that Costa Rica demilitarized by choice in response to a civil war. The Costa Rican civil war lasted for 44 days from 12 March to 24 April 1948, and claimed approximately 2,000 deaths. The conflict was precipitated by the vote of the Costa Rican Legislature, dominated by pro-government representatives, who claimed that the recent triumph of the opposition candidate had been achieved by fraud. This caused a rebel army under the leadership of Jose Figueres to rise up and defeat the government of President Teodoro Picado. Following the war, Figueres ruled for a year and a half as head of a provisional government junta, which abolished the military, and with a new Constitutional Assembly, produced the new 1949 constitution. (Peeler 2003, 24-6) In Costa Rica, the decision to demilitarize was supported by the vast majority of society. The resources saved by demilitarizing was reallocated to other socially desired objectives, and Costa Rica experienced great improvements in social indicators over quite a short period of time. (Harris 2004, 31)

This choice to demilitarize reflects a political will to increase peace and security in the country, contrast to the situation of some of the other States which are not allowed to have an army or are directly protected by their former occupying States. Lastly, the purpose of this paper is to illustrate how States can utilize international systems already in place, and the involvement of the International Court of Justice to resolve this dispute offers an excellent opportunity to explore the validity of this.

1.2 Research Aim and Research Questions

The selected case for this study is the 2010 Isla Calero dispute: a territorial dispute between Costa Rica and Nicaragua. In this dispute Nicaragua sent armed forces into Costa Rica to claim the land they believed should belong to them. Costa Rica maintained their policy of peaceful resolutions and utilized international law to resolve the dispute without resorting to the use of power politics.



Research Questions:

1. Is Costa Rica more vulnerable to attack or does their lack of military force offer a different kind of protection?
2. Could the legal mechanisms used in this conflict, which reflects a tractable type of conflict, be applied to an intractable style conflict?
3. Can this case be generalized to both tractable and intractable style conflicts?
Could this then lead to a decreased reliance on use of power politics?

This paper aims to provide a deeper understanding of the successful peaceful conflict resolution between Costa Rica, and un-armed State, and Nicaragua, an aggressive State. The purpose of this is to determine the factors necessary for the success so that other States could utilize the methods. Using an un-armed State for this case provides an interesting and unique situation where a State has been able to secure its safety, even in the face of a conflict with an aggressive State, without even the possession of arms. Further understanding of this could pave the way for the disarmament of other States and a greater reliance on peaceful resolution methods. It is State's policies that need to be adapted to utilize this method successfully. Some States are already doing this; and the aim of this research is to explain how this change occurs successfully. There are international organizations in place that are capable of resolving conflicts between states without the use of force.

1.3 Thesis Statement

This paper argues that a State can reconstruct it's own politics in such a way that allows for more reliance on conflict resolving international organizations and institutions and can reduce the need for military force and/or power politics. Accordingly, the complexities of the security dilemma can be reduced or eliminated.



1.4 A Review of the Security Dilemma

The security dilemma, as defined by K. Booth and N. Wheeler gets to the core of politics among nations: the existential condition of *uncertainty* in human affairs. This is the condition in which states interact and use military force to create their own security. The problem is that the weapons that states choose to use for their own self-protection are, at the least, a potential threat, and at the most, an actual threat to harm others. Weapons are the 'material reality' in the security dilemma, because they are inherently ambiguous symbols, while the 'psychological reality' comes from one set of decision-makers trying to get into the minds of others, and understanding their motives and intentions with regard the weapons they possess. (Booth & Wheeler, 1)

Booth and Wheeler define the security dilemma as the "quintessential dilemma". They argue that if uncertainty and fear may exist at the best of times, when weapons that states possess are only intended for self-protection, then can there ever be a potential that humans will be able to live together in a more peaceful world? The psychological reality mentioned above presents the challenge faced by one set of decision makers when trying to read the minds of the decision makers of other states. This takes place in an international political situation in which the cost of getting it wrong could mean national disaster. Given this high-risk situation, weapons in the hands of one state can provoke at least uncertainty and possibly fear in others even when those weapons are intended solely for self-protection. (Booth & Wheeler, 1-2)

Booth and Wheeler explain that the security dilemma is a two-level strategic predicament, where each level consists of two related dilemmas. The first level is the dilemma of interpretation, where the issue is psychological and concerned with uncertainty and distrust. The dilemma of interpretation is caused by the need to



make a decision in the existential condition of unresolvable uncertainty about the motives, intentions and capabilities of others. The second level is the dilemma of response, which is based on misplaced suspicion regarding motives and intentions of other actors. The dilemma of response logically begins when the dilemma of interpretation has been settled, and the decision makers have determined how to react. Here a cycle begins where one state's dilemma of response creates another state's dilemma of interpretation. Because of uncertainties created by these dilemmas, a degree of distrust toward others is traditionally considered to be the most prudent strategy. Many security dilemma theorists have argued that the nature of this dilemma is such that negative outcomes are unavoidable, but Booth & Wheeler argue against this presupposition. They argue that unpleasant choices and negative outcomes are not essential to the definition of a security dilemma. (Booth & Wheeler, 4-6)

Because this perspective adheres to the view that states exist in a system of international anarchy, no state can ever feel completely secure. Competition for power and security is endless, and because of this states have no option other than to prepare for the worst. Booth and Wheeler conclude that since the desire for security is universal, the security dilemma is eternal. (Booth & Wheeler, 23-5)

In the late 1980s a related theory of offensive realism gained popularity with John Mearsheimer's book, *The Tragedy of Great Power Politics*. In his book, Mearsheimer argues that uncertainty in anarchy as the existential condition of world affairs, but it can be abolished in practice by its operational prescriptions. Mearsheimer's study transformed the uncertainty of international politics into the strategic predictability of offensive realism. The study was based on the assumption that a state that had the capability of doing harm, might do harm, and had to prepare for this by creating countervailing offensive military potential. (Booth & Wheeler, 34-5) The study



pointed out that intentions can be easily changed, and therefore be peaceful one day and hostile the next.

Due to this, Mearsheimers theory predicted that powerful states, feeling insecure, will act offensively in order to insure their survival and a state cannot be completely secure unless it is the reigning hegemon, and will then seek to preserve its position. Therefore, in offensive realisms anarchic system, even states, which do not want to engage in militarized security competition, find themselves compelled to behave as if they were hostile or revisionist states, because accumulating power is the only way to survive in an anarchical system. (Booth & Wheeler, 37) Offensive realism argues that the security dilemma is what drives the dynamics of international politics. It assumes that states cannot signal positive intentions to other states. This is because the dilemma of interpretation must be resolved fatalistically by assuming the worst about the intentions of states capable of doing harm, and the dilemma of response must always be resolved by choosing the offensive option. (Booth and Wheeler, 37-8)

The distrust during the Cold War between the Soviet Union and the US was so high that any gains that could be had through cooperation was out shadowed by the fear of the other side taking advantage of the situation which would lead to unacceptable consequences. In game theory this would be seen as a fear of the other side 'defecting'. Booth and Wheeler explain that the security dilemma is particularly severe in the case where one defection can destroy a state. (Booth & Wheeler, 84) Game theory was invented in the 1940s and is a formal approach used to analyze decision makers in conflicts. The 'Prisoners Dilemma' is a situation where difficult choices have to be made in a situation where the parties cannot communicate with one another. (Booth & Wheeler, 84) It illustrates the dilemma of cooperation and defection when neither party knows the intentions of the other. If there is an absence of trust between the two parties then the logical choice is to defect in order



to obtain the best possible outcome. This dilemma can be resolved by allowing for iterated cooperation instead of a one-off or single shot game, but this is only possible if the game is played over multiple rounds. This presents a serious restriction in real world applications. (Booth & Wheeler, 84-5)

In the 1970s regime theory was developed to explain cooperation in political economy, and was later applied to the security field in the early 1980s. (Booth & Wheeler, 86-7) Security regime is defined as; "Those principles, rules, and norms that permit nations to be restrained in their behavior in the belief that others will reciprocate"; it is "a form of co-operation that is more than the following of short-run self interest" (Booth & Wheeler, 87)

Constructivists propose an alternative view where it is the norms that constitute interests, rather than the other way round. This leads to the conclusion that the security dilemma itself is social construct, and therefore it is possible to mitigate the Security Dilemma by changing the identities of two previously hostile states, so that the welfare of one's former enemy becomes part of how the self is defined. (Booth and Wheeler, 93) Different classes of symbolic interactionism show how different classes of identities and interests reflect different patterns of interactions.

Constructivists argue that it is the distribution of shared knowledge that constitutes interests, and therefore, it is shared ideas which creates the behaviors and outcomes of anarchic realism (Booth & Wheeler, 93) This means that the system of self-help and power politics among states is not a natural or inevitable state of affairs. Social structures, like international anarchy, constrain and enable actors, but they only exist because those actors produce and reproduce the shared meanings that constitute them. For example, during the Cold War the US and USSR shared the common belief they were enemies and acted accordingly confirming to the other that they were an enemies, and reproducing the Cold War. (Booth and Wheeler, 94)

What makes social structures so powerful is that actors come to think of them as



both natural and inevitable, which means that change only comes about if actors are conscious of the socially constructed character of their relations and are then able to develop new practices that reflect this changed understanding of their situation.

(Booth and Wheeler, 94-5)

The English School has also made important contributions to the understanding of how cooperation becomes possible under anarchy. The English School states that anarchy is not compatible with international society. In their perspective a society exists when a state "conscious of certain common interest and common values...conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions". (Booth & Wheeler, 98) An element of society can be seen in the international system because the sense of common interests and agreed rules of conduct has exerted an influence on states. (Booth & Wheeler, 98) A key feature in English school theory is the view of an international society as opposed to an international system. In an international society each member recognizes the other as a legitimate sovereign state. According to English school theorists, international society reproduces itself against the competitive pressures of anarchy through the working of common institutions. This is defined as a "set of habits and practices shaped toward the realization of common goals" and is the *mitigator* aspect of English school theory. (Booth & Wheeler, 98-99) There are four sets of practices that are central to the mitigator logic of the English school. First is international law, which creates expectations, which develop trust. The second is the balance of power, which refers to a scenario where no one state can dictate control over another. The third is diplomacy, which focuses on human agency. And the fourth is great power responsibility, which refers to the establishment of a diplomatic dialogue that enables great powers to manage their relations in order to preserve a balance of power which is crucial to mitigating the security dilemma. (Booth & Wheeler, 99-102)



Methodology

2.1 Epistemology and Key Terms

By using the case of the 2010 Isla Calero dispute, the aim with this thesis is to explore Costa Rica's and Nicaragua's discourse and actions in connection to this dispute, in order to understand how Costa Rica ensures its national security in the face of outside militarized threats. This means that out of the two epistemological perspectives, empiricism and interpretivism; the approach of interpretivism will serve as the main perspective.

Interpretivism focuses on understanding social meanings embedded within international politics. It seeks to understand identities, ideas, norms and culture in international politics by questioning the social and power structures of international politics.

Conflict: Within the field of international relations, Peter Wallensteen (2002) identifies three general forms of conflict: interstate, internal, and state-formation conflicts.

Interstate conflicts are disputes between nation-states or violations of the state system of alliances. The international community, however, has become increasingly concerned with the rise in frequency and intensity of internal conflicts, which are contributing to the expanding nature, sophistication, and, at times, legitimisation of interventionist policies. Examples of internal and state-formation conflicts include civil and ethnic wars, anti-colonial struggles, secessionist and autonomous movements, territorial conflicts, and battles over control of government. Today, there is also a focus on 'global conflicts', where non-state groups combat international and regional organisations.

As this paper aims to analyze the process of peaceful conflict resolutions, it is useful to focus the working definition of 'conflict' to reflect this. Therefore, in this paper the term 'conflict' (which will be used interchangeably with 'dispute') refers to *a situation between 2 or more States with incompatible interests, which causes 1 or more of the*



involved parties to take action against another State (or States) in order to serve their desired interest. The conflict can be 'armed' in nature; meaning 1 or more of the involved parties utilizes force (most commonly military force), or the threat of use of force. The conflict can also be unarmed in nature; meaning none of the involved parties utilizes the use of force or the threat of use of force.

Aggressive State: The term 'aggressive State' refers to a state that either initiates an armed Conflict (as defined above), or responds to a peaceful conflict (as defined above) with the use of force or threat thereof, therefore transforming the peaceful conflict into an armed conflict.

Un-armed State: There exists debate on how to define an 'unarmed State'. The reason for this is that there are a small number of States that have very limited military forces, but no standing army. This paper is exploring peaceful conflict resolution through a State that cannot utilize the use of force or the threat there of, and so it is logical to include States that have limited military forces but lack a standing army, as they lack the resources to defend themselves without outside aid against an armed State. Therefore, *an 'un-armed State' refers to a State with no standing army, constitutional provisions on the absence of an army or limiting armed forces to police forces, and an absence of heavy weapons.*

Peaceful Negotiation: Peaceful negotiation in this paper will refer to any interaction between conflicting States, with the aim of a resolution to the conflict, that does not include the use of force or the treat of the use of force.

Conflict Resolution: As a result of a conflict, 2 or more States enter into an agreement that resolves their disagreements in a way that ends the need to continue the conflict. Each party accepts the other right to continued existence and withdraws all conditions of the conflict.



Tractable/Intractable Conflict: "Intractability" is a controversial concept, which means different things to different people. Intractability is not a dichotomous concept; instead, intractability exists on a continuum, with very stubborn, apparently intractable conflicts at one end; very simple, readily resolvable conflicts at the other end and many conflicts somewhere in between the two extremes. It is also important to note that intractability is a dynamic state. There are few conflicts that begin in a state of intractability; they become one way or the other according to how they are handled. Conflicts that become highly escalated and involve repeated patterns of violence are likely to move toward the intractable end, sometimes quite quickly. Conflicts that are managed in a way to limit escalation and violence are likely to move toward the tractable end. (Burgess 2003)

There are some characteristics that make conflicts more likely to be intractable. Conflicts that involve irreducible, high-stakes, win-lose issues that have no "zone of possible agreement" often become intractable. These are conflicts from which the participants view any possible solution as giving up something of high value. According to Heidi and Guy Burgess there are three main causes of intractability (though not the only causes) are Irreconcilable Moral Differences, High-Stakes Distributional Issues, and Domination or "pecking order" conflicts. (Burgess 2003)

2.2 Research Methods

This research will be done using a case study approach, which analyzes one case of peaceful conflict resolution between an unarmed State and an aggressive State. The interpretation of significant phenomenon is the main goal of this research. This is done by conducting qualitative research and using an inductive approach. Induction is the use of evidence to formulate or reformulate general ideas, and it moves from the specific to the general. (Ragin 1994, 76)

This approach suits this thesis best since the aim is to gather insights about a real phenomenon in order to generate theoretical propositions out from observations and



interpretations of Costa Rica's reconstruction of State security. To be able to do that, both the theoretical framework of the realists' security dilemma and constructivism are needed to get a comprehensive understanding of the case.

It would be ineffective to study this case using a pure quantitative research and try to find relationships among variables by random sampling, since the aim is to go into depth about one particular case to capture the complexity of the issue rather than test a hypothesis using a deductive approach and theory testing. However, it is true that a case study is a poor technique to use to make generalizations; hence the findings and conclusion for this particular case study should instead be used to generate general knowledge that impacts wider theory-oriented debates.

To support the case study approach I will then utilize a second approach in which I conduct semi-structured interviews with representatives from Costa Rica and Nicaragua. The interviews are semi-structured in the sense that each interview will be asked the same eleven questions (see annex I), but each of these questions are open-ended in nature and allow for small unstructured discussions of the issues. The use of a semi-structured interview allows for the cross-referencing of information for a more reliable analysis, while allowing for a more in depth exploration of the issues. A structured interview would be too limiting for this single case in-depth study and would not provide the insights necessary for understanding the case. (C. Lamont 2015, 84-5)

This will assist in deepening the understanding of the conflict and resolution from the perspective from each State involved in the conflict. I will also include interviews from academics and professionals specializing in relevant areas in respect to this case. The list of interview questions and summarized responses can be found in Appendix I. The questions are open-ended in nature and designed according to the inductive design of this study. They allow for each States subjective experience of the conflict and conflict resolution, which adds depth to our understanding of the situation. This research follows



a constructivist's approach, which advocates that international systems are created by social and interactive processes. Therefore it is important to understand both the empirical evidence and subjective experience in order to understand the case and how to use the findings to change States defence and security policies. Understanding how Costa Rica reconstructed their State security in order to break the cycle characterized in the security dilemma would be impossible without considering Costa Rica's subjective experience.

The interviewees consist of 5 individuals, 4 of which wish to remain anonymous. The government representative from Nicaragua is Mr. Jasser Jimenez, Consulate for the Mission of Nicaragua. There is also a Costa Rican ambassador, two professors of International Affairs from leading Costa Rican universities, and one Costa Rican parliamentarian. It is important to note that there is only one interviewee from Nicaragua that I was able to obtain an interview with. This could present a certain bias in the findings, but as this study focuses on Costa Rica's demilitarization it is still appropriate to conduct the research without a stronger Nicaraguan presence in the interviewees. Each of the interviewees have been fully informed of the nature of this study and have signed consent forms indicating their choice to remain anonymous.

2.3 Analytical Framework

An initial interpretation of this conflict would likely result in a view that it was a very tractable conflict. As stated in the definition section, tractability is not a dichotomous concept. It exists on a continuum between the most extreme cases of intractable and tractable. Characteristics in intractability can be seen in the Isla Calero dispute if one takes into account a longer-term history of the area. This case study has been limited to the 2010 dispute, but it is important to understand that the conflict traces back to the year 1857 and has included multiple disputes and tensions between Costa Rica and Nicaragua. (International Court of Justice 2015) This indicates a long-standing conflict that seems to



be unresolvable. With this in mind, it is logical to move the Isla Calero dispute towards the intractable side of the intractable-tractable spectrum. While the conflict has not been highly destructive in nature, it is by no means an example of an extreme intractable case. But understanding that it is not a purely tractable conflict enables it to serve as an example of intractable conflicts can avoid escalation and ultimately be resolved.

Also, in understanding this case as an intractable conflict, the significance if the peaceful resolution is heightened. Typically, intractable conflicts are difficult to resolve, as they are prone to escalation. This relates to the security dilemma, which explains the escalation through the continued reactions and misinterpretations on either side of the conflict. Thus it is logical to say that the more intractable the conflict is, the more complexities of the security dilemma it must face.

It is important to understand that, like the concept of the security dilemma, the concept of intractability is a social construct. Therefore intractability is a perception, not a firm characteristic, which can be perceived differently by different people or groups. (Burgess 2003) This idea of perception is important, because it influences action. If a conflict is perceived to be intractable, then the conflicting actors are likely to engage in desperate measures, which would escalate the security dilemma. And that escalation is likely to increase the intractability of the conflict. Therefore by understanding the concepts of intractability and security dilemmas from a Constructivists' perspective, that they are social concepts reliant on perspectives and interpretations, we can conclude that increasing intractability can be seen as a characteristic of the security dilemma.

The 2010 Isla Calero dispute, as discussed above, is an intractable conflict (though not an extreme form of one). Therefore, one should expect the conflict to experience a challenging security dilemma. However, this is not the case. The conflict was peacefully resolved without the escalation characteristic of the security dilemma. This is the aspect that will be focussed on throughout this research.



2.4 Materials

The primary data used for the analysis comes from the official records of the International Court of Justice of the dispute. Official sources such as speeches and documents are authoritative and will allow answering questions of ‘what’ Costa Rica and Nicaragua believe their rights to be in the dispute. (C. Lamont 2015, 91) However, to get a comprehensive understanding, there is a need to analyze the ‘how’ each side interprets the events and how they reacted to the rulings of outside institutions. To gather information about the ‘how’, it is necessary to also use secondary data. Hence, the secondary data used are news articles from different media channels as well as academic literature with reference to Costa Rica’s identity and foreign policy. In short, to analyze the case from these three angles (what, why, how) is the strength behind using the discourse analysis method for the data.



Theoretical Framework

3.1 The Security Dilemma: A Constructivists Approach

This paper follows a constructivists approach in the sense that it argues that just as Realists created an anarchic system that leads states to engage in power struggles to secure their safety and interests, States can create a system that relies on International Law and leads States to engage in peaceful negotiations as the only way to secure their safety and interests.

Constructivists propose a view where it is the norms that constitute interests, rather than the other way round. This leads to the conclusion that the security dilemma itself is social construct, and therefore it is possible to mitigate the security dilemma by changing the identities of two previously hostile States, so that the welfare of one's former enemy becomes part of how the self is defined. (Wheeler 2008, 93) Different classes of symbolic interactionism show how different classes of identities and interests reflect different patterns of interactions. Constructivists argue that it is the distribution of shared knowledge that constitutes interests, and therefore, it is shared ideas which creates the behaviors and outcomes of anarchic realism (Wheeler 2008, 93) This means that the system of self-help and power politics among states is not a natural or inevitable state of affairs. Social structures, like international anarchy, constrain and enable actors, but they only exist because those actors produce and reproduce the shared meanings that constitute them. Wendt explains that constructivists view self-help and power politics as institutions, not essential features of anarchy. And thus, "anarchy is what states make of it." Therefore, if self-help is not a constitutive feature of anarchy, it must derive from processes in which anarchy plays only a permissive role. (Wendt 1992, 395-8)

What makes social structures so powerful is that actors come to think of them as both natural and inevitable, which means that change only comes about if actors are conscious of the socially constructed character of their relations and are then able to develop new practices that reflect this changed understanding of their situation. (Wheeler 2008, 94-5)



The security dilemma is explained through a process of States signaling intentions, interpreting actions, and responding which completes a "social act" and begins the process of creating inter-subjective meanings. The first social act creates expectations on both sides about each other's future behavior. Each subsequent interaction is based on these expectations and then adds to the pool of knowledge each has about the other. The mechanism at play here is reinforcement; interaction rewards actors for holding certain ideas about each other and discourages them from holding others. If repeated long enough, these reciprocations will create relatively stable concepts of self and other regarding the terms of which we define our identities and interests. (Wendt 1992, 405-6)

If security dilemmas are not a product of anarchy or nature, but rather a product of identities and interests are constituted by collective meanings that are always in process, than a state that finds themselves in a self-help system is in that situation because their practices made it that way. Changing the practices will change the inter-subjective knowledge that constitutes the system. (Wendt 1992, 407)

A constructivist's analysis of the security dilemma focuses on how the expectations produced by behavior affect identities and interests. The process of creating institutions involves internalizing new understandings of self and other. This will tend to transform a positive interdependence of outcomes into a positive interdependence of utilities or collective interest organized around the norms in question. These norms will resist change because they are tied to actors' commitments to their identities and interests. (Wendt 1992, 416-7)

Understanding sovereignty as an institution teaches States that their sovereignty depends more on recognition by other states, and therefore they can afford to rely more on the institutional fabric of international society and less on individual national means, especially military power, to protect their security. Wendt argues that the inter-subjective understandings embodied in the institution of sovereignty may redefine the meaning of others' power for the security of the self. In policy terms, this means that states can be less worried about short-term survival and relative power and can thus shift their resources accordingly. Ironically, it is the great powers, the states with the greatest



national means, which may have the hardest time learning this lesson. Small powers, such as the 26 above-mentioned States without a standing military, do not have the luxury of relying on national means and may therefore learn faster that collective recognition is a cornerstone of security. (Wendt 1992, 415)

The idea that the international system today is one of complete anarchy is largely changing. It is widely accepted that international norms impact State behavior, that the majority of States do not enter into treaties unless they intend to abide by them, and that States regularly engage in non-violent commerce (exchange of tourists, diplomats, ideas, trade) according to international regulations. Still, States are reluctant to sacrifice parts of their sovereignty in this transformation shift to international regulations. This is largely seen in the process of adjudication. In many cases, States have rejected the ruling of the International Court of Justice when it conflicts with their national interests, and justified their decision using a variety of clauses or special circumstances. (Webel 2009, 344-5)

But the fact that States exhibit the need to justify their decision to go against an international ruling is proof in itself that they are compelled to act according to international norms. This means that the dynamics of the international system are being socially reconstructed.

In response to a devastating civil war Costa Rica made a decision to change their security in a way that transformed their State identity, and in turn changed their foreign relations. The decision to demilitarize themselves and create new ways to secure their national safety cannot be explained from any classical approaches to understanding State security or conflict resolutions. This is why the following research will rely on a constructivist's framework of social constructs.

3.2 Validity and Reliability

As there is only one case being analyzed, this research is limited in its generalizability. Because this situation of Costa Rica, and its conflict with Nicaragua, is quite unique it is



important to devote studies to deepening the understanding of the situation. Therefore the need to conduct an in-depth analysis outweighed the limitation on generalization.

During the research process, attention has been paid to some concepts that can weaken the validity and reliability of this thesis. It is very important to make sure that one is actually examining what one is claiming to be examining, and that if carried out a second time with the same set of data, the result should more or less be the same. It is critical to keep in mind that a single case study design can fall prey to selection bias or overgeneralization of results. This can be addressed by critically reviewing the material used and by dismissing material that has been considered to be too one-sided, unless the point is to prove just that. (Bennett 2005, 80) In this case, there are many news articles posted by local agencies in Costa Rica and Nicaragua that appear extremely biased. These articles are useful in determining each countries position and opinion of the other, but lacks the objectiveness needed to deepen the understanding of the situation.

A limitation of this study and approach is that it does not analyze the effect that Costa Rica's alliances had on the decision to demilitarize. This idea could easily be a research project on its own, and will not be analyzed in this paper. The reason for this is that the result of that analysis would have very little affect to the purpose of this paper. This paper argues that a system of peaceful conflict resolutions is possible in today's global context, and that a reliance on power politics is unnecessary. The exact conditions for 'how' this condition came to be is not the purpose of this research, this research focuses on the 'how' it can be used to reduce armed conflicts. The alliance with the USA may, or may not, have been a factor in their decision to demilitarize, but this is not important for this research. In this conflict, Costa Rica acted independently without influence from the US.



The Case of Costa Rica

4.1 Costa Rica-USA Relations

Costa Rica maintains a strong relationship with the United States of America, but its policy is not simply a reflection of the political will of the US. The three main characteristics of Costa Rican foreign policy since the end of the cold war are a support for the US on issues of strategic importance to the US, partial disengagement from Central American affairs, and moderate idealism in regards to international law and organization. It has historically been active in international circles through early support for Latin American doctrines of non-intervention, joining the League of Nations, becoming a charter member to the UN, and having an active role in OAS. (Peeler 2003, 31-2)

Despite Costa Rica's generally supportive policies of the US, it has on occasions taken a stand against US, when the policy of the US was contradictive of Costa Rica's idealist international policies. This can be seen in looking at how the invasion of Iraq strained relations between Costa Rica and the US. The Costa Rican President, at the time, supported the US invasion in Iraq but Costa Rica's Constitutional Court ruled against joining the 'coalition of the willing'. The Court ruled that joining the US would violate the Costa Rica's constitutionally mandated neutrality. (Meyer 2008, 27-8)

Costa Rica's decision not to join the US in Iraq exemplifies their commitment to remaining a peaceful State reliant on international law. Costa Rica reconstructed how they understand security when they demilitarized their country. Their security doctrine demands that they maintain neutrality in foreign affairs. If Costa Rica's security was based on their alliance with the US, then they would have been obligated to support the US in the coalition of the willing. Instead, they demonstrated that a US alliance was not vital to their State security.



Costa Rica is part of a treaty alliance with several armed States for mutual protection. So although Costa Rica maintained peaceful resolution methods throughout the conflict, it could be argued that their alliance with armed States, and the US in particular, had an affect on Nicaragua's actions. In an initial view of Costa Rica it would be easy to assume that Costa Rica ensures its national security through it's strong relationship with the United States. However, in analyzing the case of Costa Rica's 2010 conflict with Nicaragua, there was no evidence on a reliance on the US at any point in the conflict.

Nicaragua sent armed military forces into Costa Rican territory, posing a clear security threat to Costa Rica. Costa Rica's initial response was to turn to the Permanent Council of the Organization of American States (OAS). The OAS convened an emergency session on November 3, 2010 at the request of the Government of Costa Rica. Throughout the proceedings both Costa Rica and Nicaragua expressed their desire to resolve the dispute peacefully through dialogue and international law. OAS investigated the matter and on December 7, 2010 the delegations of the OAS Member States approved a resolution for the situation between Costa Rica and Nicaragua with 24 votes in favour, two votes against and five abstentions. The resolution called for the immediate withdrawal of military forces, and to begin negotiations through the OAS. (Organisation of American States 2010)

Nicaragua responded to the initial OAS reporting by stating that the OAS did not have the authority to settle border disputes between States, and that they would not remove their troops based on this resolution. (BBC News 2010) Despite Nicaragua's refusal to adhere to decisions of the OAS, they stated that they maintained their commitment to finding a peaceful resolution.

Here again was an opportunity for Costa Rica to use its strong relationship with the US in the conflict with Nicaragua. Costa Rica could have called on the US to aid in the



enforcement of the OAS resolution when Nicaragua refused to adhere to it. The OAS decision offered a legal justification for US intervention, and the military force of Nicaragua poses no real danger to that of the US. But instead, Costa Rica again demonstrated its commitment to peace by going through the International Court of Justice. Costa Rica is in fact part of a multi-state alliance system of mutual protection, which includes the US. But Costa Rica, without a standing military force, has nothing to offer in this alliance. Therefore, there is no reason to assume that the US would intervene in the conflict with Nicaragua, even if Costa Rica had decided to request aid.

In the face of this clear security threat, Costa Rica relied not on an armed outside alliance to resolve the conflict, but on international law through the International Court of Justice (ICJ). After the decision of the ICJ, Costa Rica did not obtain all its rights but accepted the decision. This demonstrates Costa Rica's commitment to a reliance on international law to ensure its security.

4.2 Costa Rica's Demilitarization

Costa Rica, which has a current population of 4.0 million, abolished its army in 1948 under the new leadership of Jose Figueres, following a brief civil war. On December 1st, 1948 Figueres stated, "It is time for Costa Rica to return to her tradition of having more teachers than soldiers. Costa Rica, her people and her government, always have been devoted to democracy and now practice their belief by dissolving the army because we believe a national police force is sufficient for the security of the country. We uphold the idea of a 'new world' in America." (Holvik & Aas, 334)

Currently Costa Rica has paramilitary forces of around 8,400, comprising a Civil Guard (equivalent to a national police force) of 4,400, Border Security Police numbering 2 000, and a Rural Guard of 2,000 (International Institute for Security



Studies [IISS] 2000). Its Border Security Police operate an air surveillance unit (which has no combat aircraft) and coastal patrol vessels. (Harris, 185-6)

In Costa Rica, the decision to demilitarize was acceptable to the vast majority of society. This acceptance was built upon a commitment to, and confidence in, civil means of handling the conflicts inherent in achieving societal objectives. The resources saved by minimal spending on the military was reallocated to other socially desired objectives, and Costa Rica experienced great improvements in social indicators over quite a short period of time. (Harris 2004, 192)

Conventional strategists and political decision makers typically view national security as deriving from military strength. This means that being fully secure is nearly impossible and is a zero-sum game, in that the more secure one State is, the less secure another is. This then leads to the security dilemma as a State attempts to increase their security; they inevitably lower the security of outside States, which causes the other States to respond militarily. (Webel 2009, 327-8) Costa Rica has redefined how they understand national security through their demilitarization. Stepping away from the belief that security is based on military strength allowed Costa Rica to break the cycle of the security dilemma, and recreate a State security system based on a commitment and reliance on international law.

4.3 Costa Rica-Nicaragua Relations

Following hostilities between Costa Rica and Nicaragua in 1857, the Governments of the two States in 1858 signed a Treaty of Limits, which fixed the course of the boundary between the two countries from the Pacific Ocean to the Caribbean Sea. While establishing Nicaragua's dominium and imperium over the waters of the San Juan River, at the same time it affirmed Costa Rica's right of free navigation on the river for the purposes of commerce. Following challenges by Nicaragua on various occasions to the



validity of this Treaty, Costa Rica and Nicaragua signed another instrument on December 24th 1886, whereby the two States agreed to submit the question of the validity of the 1858 Treaty, as well as various other points of “doubtful interpretation”, to the President of the United States, Grover Cleveland, for arbitration. (International Court of Justice, 2010)

In 1896 Costa Rica and Nicaragua agreed to establish two national Demarcation Commissions, which were to include an engineer, who “shall have broad powers to decide whatever kind of differences may arise in the course of any operations and his ruling shall be final”. United States General Edward Porter Alexander was so appointed. During the demarcation process (which began in 1897 and was concluded in 1900), General Alexander rendered five awards, the first three of which are of particular relevance to the Costa Rica v. Nicaragua case. (International Court of Justice, 2010)

Beginning in the 1980s, disagreements arose between Costa Rica and Nicaragua concerning the precise scope of Costa Rica’s rights of navigation under the 1858 Treaty. This dispute led Costa Rica, on 29 September 2005, to file an Application with the Court instituting proceedings against Nicaragua. On 13 July 2009 the Court rendered its Judgment, inter alia, clarifying Costa Rica’s navigational rights and the extent of Nicaragua’s power to regulate navigation on the San Juan River. (International Court of Justice, 2010)

4.4 Isla Calero Conflict Progression

On 18 October 2010, Nicaragua started dredging the San Juan River in order to improve its navigability, while also carrying out works in the northern part of Isla Portillos. Costa Rica contends that Nicaragua had artificially created a channel (both Parties refer to such channels as “caños”) on Costa Rican territory, in Isla Portillos between the San Juan River and Laguna Los Portillos/Harbor Head Lagoon, whereas Nicaragua argues that it was only clearing an existing caño on Nicaraguan territory. The Court further notes that



Nicaragua also sent some military units and other personnel to that area. (International Court of Justice, 2010)

In December 2010, Costa Rica started works for the construction of Route 1856 Juan Rafael Mora Porras, which runs in Costa Rican territory along part of its border with Nicaragua, and has a planned length of 159.7 km, extending from Los Chiles in the west to a point just beyond “Delta Colorado” in the east. For 108.2 km, the road follows the course of the San Juan River. On February 21st 2011, Costa Rica adopted an Executive Decree declaring a state of emergency in the border area, which Costa Rica maintained exempted it from the obligation to conduct an environmental impact assessment before constructing the road. (International Court of Justice, 2010)

Costa Rica’s initial response was to turn to the Permanent Council of the Organization of American States (OAS). The OAS convened an emergency session on November 3, 2010 at the request of the Government of Costa Rica. Throughout the proceedings both Costa Rica and Nicaragua expressed their desire to resolve the dispute peacefully through dialogue and international law. OAS investigated the matter and on December 7, 2010 the delegations of the OAS Member States approved a resolution for the situation between Costa Rica and Nicaragua with 24 votes in favor, two votes against and five abstentions. The resolution included the four points quoted below:

- “One: Hold the Eighth Meeting of the Binational Commission in order to address as a matter of urgency aspects of the bilateral agenda as soon as possible and no later than the date originally agreed, with the assistance of the OAS.

- Two: Immediately resume the talks on aspects concerning the demarcation of the boundary line in accordance with the treaties and decisions in force.



- Three: In order to create a favorable climate for dialogue between the two nations, avoid the presence of military or security forces in the area, where their existence might rouse tension.
- Four: Include the appropriate authorities to review and strengthen cooperation mechanisms between the two nations in order to prevent, control, and confront drug trafficking, organized crime, and arms trafficking in the border area.” (OAS, 2010)

Nicaragua responded to the initial OAS reporting by stating that the OAS did not have the authority to settle border disputes between States, and that they would not remove their troops based on this resolution. (BBC News, 2010) Despite Nicaragua’s refusal to adhere to decisions of the OAS, they stated that they maintained their commitment to finding a peaceful resolution.

The 2010 Costa Rica v. Nicaragua case in the International Court of Justice is commonly referred to as the ‘Isla Calero Dispute’. On November 18th 2010, the Republic of Costa Rica instituted proceedings against Nicaragua. In its Application, Costa Rica alleged in particular that Nicaragua had invaded and occupied Costa Rican territory, and dug a channel thereon; it also reproached Nicaragua with conducting works (notably dredging of the San Juan River) in violation of its international obligations. On December 22nd 2011, Nicaragua then instituted proceedings against Costa Rica in a dispute concerning Construction of a Road in Costa Rica along the San Juan River. In that Application, Nicaragua stated that the case related to “violations of Nicaraguan sovereignty and major environmental damages on its territory”, contending, in particular, that Costa Rica was carrying out major road construction works in the border area between the two countries along the San Juan River, in violation of several international obligations and with grave environmental consequences.



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Public hearings were held in the joined cases from April 14th 2015 to May 1st 2015, where both Parties' experts were heard. On December 16th 2015 the International Court of Justice concluded both cases with a vote. The Court found that Costa Rica has sovereignty over the 'disputed territory'; "that, by excavating three caños and establishing a military presence on Costa Rican territory, Nicaragua has violated the territorial sovereignty of Costa Rica; that, by excavating two caños in 2013 and establishing a military presence in the disputed territory, Nicaragua has breached the obligations incumbent upon it under the Order indicating provisional measures issued by the Court on 8 March 2011; that, Nicaragua has breached Costa Rica's rights of navigation on the San Juan River pursuant to the 1858 Treaty of Limits; that Nicaragua has the obligation to compensate Costa Rica for material damages caused by Nicaragua's unlawful activities on Costa Rican territory; that, failing agreement between the Parties on this matter within 12 months from the date of this Judgment, the question of compensation due to Costa Rica will, at the request of one of the Parties, be settled by the Court; rejects Costa Rica's request that Nicaragua be ordered to pay costs incurred in the proceedings; that Costa Rica has violated its obligation under general international law by failing to carry out an environmental impact assessment concerning the construction of Route 1856; rejects all other submissions made by the Parties." (Justice 2015)



Answering the Research Questions

5.1 Question One

1. *Is Costa Rica more vulnerable to attack or does their lack of military force offer a different kind of protection?*

Costa Rica's decision to demilitarize was in response to a devastating civil war, and was made to help ensure future peace in the country. This demilitarization did more than ensure peace within Costa Rica; it effectively ended the cycle of the security dilemma. Nicaragua's decision to send military troops to a region, that Costa Rica claimed to have ownership over, was seen by Costa Rica as a threat to their national security. The interviewees verified the perception of a threat to Costa Rica's security during this study. Interestingly, the only interviewee that did not believe there was ever a security threat to Costa Rica during the 2010 Isla Calero dispute was the Nicaraguan ambassador. This indicates that the security threat could have been a misinterpretation of Nicaragua's actions. There is no way to determine definitively the intentions behind Nicaragua's actions, but this is exactly what characterizes the complexities of the security dilemma.

If this interpretation of Nicaragua's actions was followed by any kind of military action (whether it be Costa Rica also sending troops or simply readying forces), then Nicaragua, who believed that they were acting within their own sovereign rights, would have had to interpret Costa Rica's actions as a threat to their own security. This would then result in the security dilemma, which would increase the risk of armed conflict breaking out. Instead, Costa Rica reacted by using diplomatic solutions within international law. Having no military force meant that regardless of how Costa Rica interpreted Nicaragua's actions, their own actions could not be interpreted as anything except for peaceful by



Nicaragua- thus breaking the cycle of the security dilemma. This then greatly reduces the chance of armed conflict, and therefore offers Costa Rica a different kind of security.

Costa Rica's demilitarization results in them being unable to take part in a security dilemma, and therefore it is very unlikely that Costa Rica would be attacked by an outside State. If State were to attack Costa Rica, they would have no justification for doing so that would satisfy international law or norms, as they could not claim any kind of attack as a protective measure for their own State. The attacking State would then have to be prepared to act unilaterally against the international community; which in today's global context, in a relatively stable region, is extremely unlikely.

In conclusion, neighboring countries do not face a security dilemma from Costa Rica. Its intentions for peaceful conflict resolutions are clear because of their demilitarization. Costa Rica may misinterpret an action from an outside State, but without the ability to react using force, the cycle that characterizes the Security Dilemma cannot escalate. Their reliance on international law and institutions is a new type of security constructed by Costa Rica through their decision to demilitarize.

5.2 Question Two

- 2. Could the legal mechanisms used in this conflict which reflects a mild form of an intractable conflict, be applied to a more extreme form of an intractable style conflict?*

Extreme forms of intractable style conflicts escalate quickly and are characterized by violence and destruction. The escalation occurs through the reactions and interpretations of the security dilemma. Therefore, reducing the complexities of the security dilemma in a case should transform an extremely intractable style conflict into an easier to resolve tractable conflict.



One point that was echoed by the interviewees in this study was the need to strengthen international institutions in order to peacefully resolve conflicts. The interviewees all agreed that the more States that commit to accepting the decisions made by the International Court of Justice, the stronger this institution will become. In this way, States could utilize existing international institutions in order to reduce the complexities of the security dilemma and resolve intractable conflicts.

The legal mechanisms demonstrated in this case (through use of the ICJ) could be applied to a very intractable style conflict, but the challenge would be resolving the security dilemma. If at any point one side misinterpreted the other side's actions, the security dilemma escalation would begin again. It was Costa Rica's demilitarization that prevented any misinterpretation and effectively resolved the security dilemma. From this, a State can understand that when the security dilemma is resolved, legal mechanisms have a much higher chance of peacefully resolving the conflict. The question remains then as to how two armed states engaged in a violent intractable conflict can provide assurance to the other side that force will no longer be used by any circumstance. It seems that more effort is needed by States to strengthen international institutions before they can effectively use them in an extremely intractable conflict. What is interesting is that only one side needs to accomplish this in order to successfully resolve the security dilemma.

5.3 Question Three

- 3. Can this case be generalized to both tractable and intractable style conflicts in larger States? Could this then lead to a decreased reliance on use of power politics?*



This paper has indicated that Costa Rica is a relatively small State, and it is important to note that Nicaragua is a small State as well. So can larger, more powerful States use the same methods? To answer this, it is useful to analyze the argument of why it couldn't be generalized to bigger States. Some scholars could argue; Costa Rica was able to demilitarize because of two important factors. First, it has a strong relationship with the US and can count on their protection. Second, being a small State, Costa Rica could not create a military force comparable to that of a larger State (such as the US), so it is feasible for a small State to demilitarize and secure itself through other peaceful methods.

The first argument has already been addressed in this paper, and it is clear that Costa Rica does not rely on the US to ensure its security. The second argument focuses on the fact that smaller States may develop a reliance on peaceful resolution policies because they are aware that they do not have the capability to maintain a military force strong enough to protect itself effectively. This argument may or may not hold truth to it, but that truth has no effect on whether or not the policies can now be utilized by larger States. "Why" a policy of peaceful conflict resolution through international law has no bearing on "how" the policy works. Costa Rica's motivation to demilitarize and rely on the ICJ does not change the fact that this case proves that peaceful conflict resolution with an aggressive state is possible. There are many arguments on what may or may not motivate a larger state to utilize this method, but it is very clear that this method can be effective and could be utilized used by a larger State.

During the interviews done for this study, the interviewees stated that there are added complexities when dealing with larger states, particularly in high conflict zones. They explained that it would take a big move by a large State to entrust their security in an international institution, but the more States that make the decision to rely on international law in resolving conflicts, the stronger the international system becomes. This would then open the door for further use by armed States in more intractable conflict situations.



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The interviewees also agreed that a key factor in the success of using international institutions for peaceful conflict resolution is that the State's involved must be willing to accept any decision made by the institution. This would mean that a large powerful State must be fully committed to the reliance on international law, even when they are completely opposed to the decision made. Costa Rica has made a bold first step in their decision to demilitarize, but it is critical that larger States do more to strengthen international law. Once larger States begin to demonstrate a commitment to international law, the existing international institutions will be strengthened. Only when international law becomes the norm for resolving international disputes, will disarmament be realistic for larger States.



Conclusion

6.1 The Inadequacy of Realism

Realism is the predominant school of thought associated with the study of conflict resolution. This framework offers explanations based on power distributions. Statism, survival, and self-help are the three main principles that make up the core values of realism. In realism the central focus is the acquisition and maintenance of power by states, this is often referred to as power politics or “real politik”. Realists little value on the role of international organizations, because their view of statism indicates that international organization cannot constrain states behavior, nor can it prevent conflict between states. Realists see international conflict as an inevitable result of uneven power distributions between states, in which case international organizations are unable to effect change in the face of state power.

This view is completely unable to explain the case of Costa Rica and Nicaragua in the 2010 Isla Calero dispute. In this case, international organizations played a lead role in the conflict resolution and dictating State behavior. What’s more, is that both Costa Rica and Nicaragua demonstrated a willingness to accept less than what they believed they were entitled to in this case in order to comply with an international organization.

6.2 Concluding Remarks

This case of Costa Rica and the conflict with Nicaragua was chosen for several reasons. First of all the dispute occurred recently which means it is an accurate reflection of international conflict resolution in the current global atmosphere. A second reason is that Costa Rica demilitarized by choice in response to a civil war, a choice that reflects a political will to increase peace and security in the country, contrasting the situation of some other States which are not allowed to have an army or are directly protected by their



former occupying States. Lastly, the purpose of this paper is to illustrate how States can utilize international systems already in place, and the involvement of the International Court of Justice to resolve this dispute offers an excellent opportunity to explore the validity of this.

This paper argues that a State can reconstruct its own politics in such a way that allows for more reliance on conflict resolving international organizations and institutions and can reduce the need for military force and/or power politics. Accordingly, the complexities of the security dilemma can be reduced or eliminated.

In this case, Nicaragua initially sent military forces onto Costa Rica's territory but was claiming it was within its' rights to do so. As the conflict progressed and was handed over to the International Court of Justice, Nicaragua did not pursue a resolution through the use of force. Instead Nicaragua, an armed state, adhered to international law. Nicaragua also did not obtain what they believed they were entitled to, but the conflict was resolved peacefully through both countries commitment to acting within international law as set out by the ICJ. This shows that peaceful resolution through a reliance on international law is possible for both armed and unarmed countries.

Both Costa Rica and Nicaragua have demonstrated that a reliance on international law is an effective policy in removing the potential for armed conflict. They were able to peacefully resolve a territorial dispute through their policies that show a commitment to adhering to the decision of the International Court of Justice, even if the result is not what they believe themselves entitled too. There is no guarantee that Costa Rica's approach would be successful in all possible conflicts with outside States, but it certainly indicates that this approach can be a successful way to peacefully resolve conflicts.

The purpose of this paper was to discover if security policies could effectively rely on international law instead of a State's own military force or military alliance. Through the



case study of the 2010 Costa Rica vs. Nicaragua conflict, it is clearly seen that this is possible. In conclusion, a State can change its own policy in such a way that allows for a reliance on existing institutions and can reduce the need for power politics. This is successful when small countries come into conflict with each other but both maintain a commitment to international law. This proves that these policies are in fact possible and effective, and therefore more research should be done to determine how to utilize these tactics consistently through more extreme cases of intractable style conflicts and with larger States.

The research done thus far presents a new question; what would happen if Nicaragua had refused to accept the decision of the ICJ in this case? One of the factors required for the success of the resolution between Nicaragua and Costa Rica was that Nicaragua also shared a commitment to adhering to international law. Had Nicaragua not done this then it would have been up to the international community to impose measures on Nicaragua, such as sanctions. I propose that the more States that commit to international law, the more it strengthens the norm, and the more power States have in order to impose sanctions and other peaceful methods of imposing pressure. This is an area that I recommend further research in order to understand effective ways to pressure states to adhere to international law without the use of force.

The findings suggest a type of payoff where States may have to sacrifice some of what could be considered their sovereign rights by adhering to the decision of an outside organization, in order to ensure their security through peaceful resolutions. To further understand this concept I would recommend a series of interviews be done with government representatives from Costa Rica and Nicaragua, as well as experts in international law. This would allow for each States subjective experience of the conflict and conflict resolution, which adds depth to our understanding of the situation. As this research follows a Constructivists approach, which advocates that international systems are created by social and interactive processes, it is important to understand both the



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empirical evidence and subject experience in order to understand the case and how to use the findings to change States defence and security policies.



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Appendix

I Interview Questions and Answers

The following is the list of interview questions in the order they were asked, and a summary of the answers:

1. *How do you define your national security? What are the values that you aim to protect?*

In defining the national security of both Costa Rica and Nicaragua, each interviewee shared common views. National security is seen as the protection of sovereign rights, both territorially and culturally.

2. *What are the main factors that ensure your States national security?*

The majority of interviewees from both Costa Rica and Nicaragua stated that it is a reliance on international law that ensures their States security from outside threats. The exception of this came from a professor from Costa Rica, who also pointed to Costa Rica's strong relationship with the US as a factor to ensuring State security. This professor also stated that a reliance on international law was a large factor, but the US alliance should not be completely ignored. The Nicaraguan ambassador explained that although Nicaragua has a standing military, the main purpose of the military was to deal with internal issues. In terms of international issues, Nicaragua relies on the International Court of Justice to ensure their security.



3. *What kind of agreements does your State have in place with outside States to provide military assistance in case of a conflict?*

Nicaraguan interviewees claimed to have no agreements in place with outside states to ensure their security. The Costa Rican interviews, however, stated that Costa Rica is part of an alliance with the US and other American states to ensure security.

4. *How big of a role does this play in your national security?*

The Nicaraguan ambassador claimed that their lack of outside alliance means that they are completely dedicated to relying on the International Court of Justice, and that since their 1980's civil war they have been very preventative in potential conflicts. The Costa Rican ambassador and other Costa Rican interviewees claimed that their alliance with the US plays virtually no role in their national security, and they are committed to maintaining peace through international law. One Costa Rican professor answered that the alliance plays a 'back-up' role in Costa Rica's security, in the event that they were ever attacked by an aggressive State. This professor also explained that this alliance would not be a guarantee of protection by the US, and it would depend on the particular case and the politics in the US at the time. Therefore this professor also agreed that outside alliances play very little role in Costa Rican security.

5. *In the 2010 Isla Calero dispute, was, in your opinion, your/their national security threatened from a threat of the use of force?*

The Nicaraguan ambassador answered that there was never any threat to the national security of Costa Rica, or Nicaragua, throughout the 2010 Isla Calero dispute. This view differed from the Costa Rican ambassadors view that Costa



Ricas security was threatened from Nicaraguan troops invading Costa Rican territory. The remaining interviewees answered that there was a small threat to Costa Rican security.

6. *How do you view the process of negotiations through this dispute? Successful/unsuccessful? How so?*

Each interviewee agreed that any process of negotiations that are carried out in a peaceful manner and ends the dispute in a peaceful way should be considered a success. The interviewees explained that although they had not achieved exactly what they deserved, this is something they are prepared to accept in order to strengthen the international system and keep peace. The Nicaraguan ambassador explained that in recent ICJ cases with other States, Nicaragua had been awarded more than they had expected. The opposing State in that case was much stronger in military terms than Nicaragua, but accepted the decision to award additional territory to Nicaragua. The ambassador explained that this acceptance on ICJ decisions is the core of strengthening international norms in using international law to resolve disputes. His view is that this is the only way to achieve a path to peace without war.

7. *Do you support the decision taken by the International Court of Justice (ICJ) to resolve this conflict?*

The interviewees indicated that neither side obtained what they had believed they were entitled to in this conflict, but each side accepted and respected the ruling. The interviewees agreed that when they handed over the process of negotiations to the ICJ, they were prepared to accept the outcome regardless whether or not it was the outcome they had hoped for. Their national security is based on a reliance on international law, and therefore they must accept each ruling.



8. *Do you plan to utilize the ICJ if conflicts arise with outside States in the future?*

Each interviewee fully expects that both Costa Rica and Nicaragua will utilize the involvement of the ICJ in any future conflicts.

9. *Could the same approach be used between two armed States?*

The interviewees also agreed that two armed States could utilize this approach. The Nicaraguan ambassador went on to state that this approach is the only way to move away from the path to war. Each of the participants also pointed out that there are added complexities when dealing with larger states, particularly in high conflict zones. It takes a big move by a State to entrust their security in an international institution. But, the more States that make the decision to rely on international law in resolving conflicts, the stronger the international system becomes. And this opens the door for further use by armed States.

10. *Could this approach lead to a decreased reliance on use of force policies, and eventually lead to a system of security that does not require military force?*

The interviewees agreed that the 2010 Isla Calero dispute shows the international community that bilateral issues can be solved using the ICJ, and is an example that international law can be an effective way to resolve disputes. Other countries need to follow this example and work together to strengthen the ICJ. This is how peace can be maintained and eventual disarmament achieved.

11. *Do you think that the security Costa Rica has achieved without the use of a military force could be achieved by other states? What are the main factors needed for this?*



The Nicaraguan ambassador explained that Nicaragua's security budget is actually the lowest in central America, and that Costa Rica has a large private security force that is similar to an army. He did state though that Costa Rica has taken a big first step in getting rid of the notion of needing an army. He said that improving internal security in Nicaragua is the biggest factor needed for Nicaragua's disarmament, rather than outside threats. The remaining interviewees agreed that other States could achieve security based on international law, by following the example of Nicaragua and Costa Rica in this dispute. A key factor is being able to accept an ICJ decision even when it is not what the State wanted. All the interviewees stated that disarmament is possible, but extremely complicated, especially for larger states. The first step needs to be strengthening international law as the only way to resolve disputes.

II ICJ Court Proceedings

The following is a summary of the Costa Rica v. Nicaragua case in the International Court of Justice, commonly referred to as the 'Isla Calero Dispute'. (International Court of Justice, 2015)

On November 18th 2010, the Republic of Costa Rica instituted proceedings against Nicaragua. In its Application, Costa Rica alleged in particular that Nicaragua had invaded and occupied Costa Rican territory, and dug a channel thereon; it also reproached Nicaragua with conducting works (notably dredging of the San Juan River) in violation of its international obligations.

In an Application filed in the Registry on December 22nd 2011, Nicaragua instituted proceedings against Costa Rica in a dispute concerning Construction of a Road in Costa Rica along the San Juan River. In that Application, Nicaragua stated that the case related to "violations of Nicaraguan sovereignty and major environmental damages on its



territory”, contending, in particular, that Costa Rica was carrying out major road construction works in the border area between the two countries along the San Juan River, in violation of several international obligations and with grave environmental consequences.

Public hearings were held in the joined cases from 14 April 2015 to 1 May 2015, where both Parties’ experts were heard.

The San Juan River runs approximately 205 km from Lake Nicaragua to the Caribbean Sea. At a point known as “Delta Colorado” (or “Delta Costa Rica”), the San Juan River divides into two branches: the Lower San Juan, which is the northerly of these two branches and flows into the Caribbean Sea about 30 km downstream from the delta; and the Colorado River, the southerly and larger of the two branches, which runs entirely within Costa Rica, reaching the Caribbean Sea at Barra de Colorado, about 20 km south-east of the mouth of the Lower San Juan. The area situated between the Colorado River and the Lower San Juan is broadly referred to as Isla Calero (approximately 150 sq km). Within that area, there is a smaller region known to Costa Rica as Isla Portillos and to Nicaragua as Harbor Head (approximately 17 sq km); it is located north of the former Taura River. In the north of Isla Portillos is a lagoon, called Laguna Los Portillos by Costa Rica and Harbor Head Lagoon by Nicaragua. This lagoon is at present separated from the Caribbean Sea by a sandbar. The area includes two wetlands of international importance: the Humedal Caribe Noreste (Northeast Caribbean Wetland) and the Refugio de Vida Silvestre Río San Juan (San Juan River Wildlife Refuge).

Following hostilities between the two States in 1857, the Governments of Costa Rica and Nicaragua concluded in 1858 a Treaty of Limits, which fixed the course of the boundary between the two countries from the Pacific Ocean to the Caribbean Sea. While establishing Nicaragua’s dominium and imperium over the waters of the San Juan River, at the same time it affirmed Costa Rica’s right of free navigation on the river for the purposes of commerce. Following challenges by Nicaragua on various occasions to the



validity of this Treaty, Costa Rica and Nicaragua signed another instrument on December 24th 1886, whereby the two States agreed to submit the question of the validity of the 1858 Treaty, as well as various other points of “doubtful interpretation”, to the President of the United States, Grover Cleveland, for arbitration.

On October 18th 2010, Nicaragua started dredging the San Juan River in order to improve its navigability, while also carrying out works in the northern part of Isla Portillos. Costa Rica contends that Nicaragua had artificially created a channel (both Parties refer to such channels as “caños”) on Costa Rican territory, in Isla Portillos between the San Juan River and Laguna Los Portillos/Harbor Head Lagoon, whereas Nicaragua argues that it was only clearing an existing caño on Nicaraguan territory. Nicaragua also sent some military units and other personnel to that area.

In December 2010, Costa Rica started works for the construction of Route 1856 Juan Rafael Mora Porras (hereinafter the “road”), which runs in Costa Rican territory along part of its border with Nicaragua, and has a planned length of 159.7 km, extending from Los Chiles in the west to a point just beyond “Delta Colorado” in the east. For 108.2 km, the road follows the course of the San Juan River (see attached sketch-map No. 2). Finally, the Court notes that, on 21 February 2011, Costa Rica adopted an Executive Decree declaring a state of emergency in the border area, which Costa Rica maintains exempted it from the obligation to conduct an environmental impact assessment before constructing the road.

On December 16th 2015 the International Court of Justice concluded both cases with a vote. The results were as follows:

The Court;

(1) By fourteen votes to two,

Finds that Costa Rica has sovereignty over the “disputed territory”, as defined by the Court in paragraphs 69-70 of the present Judgment;



- (2) Unanimously,
Finds that, by excavating three caños and establishing a military presence on Costa Rican territory, Nicaragua has violated the territorial sovereignty of Costa Rica;
- (3) Unanimously,
Finds that, by excavating two caños in 2013 and establishing a military presence in the disputed territory, Nicaragua has breached the obligations incumbent upon it under the Order indicating provisional measures issued by the Court on 8 March 2011;
- (4) Unanimously,
Finds that, for the reasons given in paragraphs 135-136 of the present Judgment, Nicaragua has breached Costa Rica's rights of navigation on the San Juan River pursuant to the 1858 Treaty of Limits
- (5) Unanimously,
Finds that Nicaragua has the obligation to compensate Costa Rica for material damages caused by Nicaragua's unlawful activities on Costa Rican territory;
- (6) Unanimously,
Decides that, failing agreement between the Parties on this matter within 12 months from the date of this Judgment, the question of compensation due to Costa Rica will, at the request of one of the Parties, be settled by the Court, and reserves for this purpose the subsequent procedure in the case concerning Certain Activities carried out by Nicaragua in the Border Area (*Costa Rica v. Nicaragua*);
- (7) By twelve votes to four,
Rejects Costa Rica's request that Nicaragua be ordered to pay costs incurred in the proceedings;
- (8) Unanimously,
Finds that Costa Rica has violated its obligation under general international law by failing to carry out an environmental impact assessment concerning the construction of Route 1856;
- (9) By thirteen votes to three,



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Rejects all other submissions made by the Parties.

Following this ruling Nicaragua's ambassador to the Netherlands, Carlos Argüello Gómez made a statement in regards to the disputed territory being granted to Costa Rica. "Nicaragua has lost 250 hectares of wetlands that we considered to be ours"...but we now want to "turn the page. This ruling will help ties between our two countries. When things are cleared up, then problems go away and that is the most important thing." (The Guardian, 2015)