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The recent establishment of diplomatic relations between Nicaragua and the People's Republic of China

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On December 10, 2021, Nicaragua and the People's Republic of China officially announced the restoration of their diplomatic relations.

In Central America, after Costa Rica (June 1, 2007), Panama (June 13, 2017) and El Salvador (August 21, 2018), Nicaragua returns as a State to recognize People's China as *"the only legitimate Government that represents all of China, and Taiwan is an inalienable part of Chinese territory"* (Note 1). For its part, Taiwan reacted immediately, stating in an official statement that *"The government of the Republic of China (Taiwan) expresses extreme regret that the government of the Republic of Nicaragua on December 10 announced its acceptance of the "one China principle," unilaterally terminated diplomatic relations with Taiwan, and established diplomatic ties with the People's Republic of China»* (Note 2).

Taiwan's official status in public international law, as is well known, is the subject of heated discussions in doctrine, and seeing a state fail to recognize Taiwan as a state is always very bad news for Taiwanese diplomacy (Note 3).

On December 10, the heads of diplomacy of People's China and Nicaragua held a widely publicized virtual meeting (see [official statement](#) posted from the People's Chinese embassy in Costa Rica).



Photo of a virtual meeting held between China and Nicaragua on December 10 at the level of Foreign Ministers, extracted from this official press [release](#) of People's China

In Latin America, it should be remembered that the normalization operated by Nicaragua in this month of December 2021 in its relations with People's China culminates a process initiated alone by Cuba in 1960, followed later by Chile and Peru (1971), Argentina and Mexico (1972), Brazil and Venezuela (1974), Colombia and Ecuador (1980). It is appropriate to point out that in the rest of the American hemisphere, the United States proceeded to carry out this reconnaissance only in 1979, while Canada did so in 1970.

A repetition of what Nicaragua did in the 80s

It is also interesting to note that Nicaragua had already proceeded in 1985 (as in the same year as Bolivia) to cease its relations with Taiwan and to recognize the People's Republic of China (which occurred on 7 December 1985).

This recognition was possibly the shortest in duration recorded by the diplomacy of the People's Republic of China in its entire history: in fact, following the result of the elections held in February 1990, Nicaragua chose to revalidate its official relations with Taiwan,

causing the rupture of its official relations with People's China (see [press release](#) of El Pais in Spain of 7/11/1990 entitled "*China breaks with Nicaragua*").

Another notable political shift by Nicaragua in 1990 took place, first when it responded evasively to the judge in The Hague in June 1990 and then in September 1991 indicating that it would finally desist from the reparation stage in the framework of the lawsuit against the United States that it had filed in 1984 in The Hague (and won in 1986): see the [ordinance](#) of the International Court of Justice (ICJ) – in particular what is stated on page 4 – as well as a 1991 ICJ [press](#) release. In its official report submitted in 1984, Nicaragua estimated at more than US\$12 billion the damage suffered by the United States in its territory (see [report](#), para. 493, pp. 349-350).

Beyond the peculiar foreign policy agenda of the new Nicaraguan authorities since April 1990, Nicaragua's change in relation to China is not the only one. In the American hemisphere, Saint Lucia also proceeded in a similar manner to that of Nicaragua; after 10 years of recognizing People's China, it chose to re-establish its ties with Taiwan in 2007 and cease its relations with People's China (see NYTimes [press release of](#) 05/2/2007).

Recognize one and ignore another and then recognize the other again (and ignore the first)? It is not usual, but legally, there is no legal argument to impersonate it. From the point of view of public international law, the establishment of diplomatic relations between two States constitutes a free and sovereign decision, which each State may adopt or revise on the basis of criteria of political expediency. The legal basis for the establishment of these diplomatic relations lies in a legal act such as the prior recognition by a State of the status of State to an entity: this recognition constitutes a unilateral legal act, in the same way as the ceasing to recognize it as such. The diplomatic apparatuses of Beijing and Taipei are particularly vigilant, not admitting (let alone tolerating) that a state that has official relations with People's China or Taiwan can maintain any official channel with the other.

As both struggle to be recognized as the legitimate (and exclusive) representatives of the Chinese people, the confrontation between the two does not admit of flats: for example, in 2017, an international conference sponsored by Australia evidenced this (see Reuters [press release](#)). More recently, the opening in Vilnius of a *defacto* diplomatic legation from

Taiwan meant an angry reaction by People's China against Lithuania (see *Guardian* [article](#) of 22/11/2021): this reaction and the negative consequences for Lithuania may seek to be as exemplary as possible, in order to prevent other initiatives of this kind in Europe.

Nicaragua's shadow in costa Rica's recognition

It should also be remembered that when in 2007 Costa Rica chose to recognize People's China and cease its relations with Taiwan, in this [confidential cable](#) made public by Wikileaks, it is read that Costa Rica went ahead to recognize China for fears that Nicaragua would advance in the Central American region in doing so: « On the Costa Ricanside, Stagno,s Chief of Staff, Antonio Alarcon, was dispatched to Beijing to oversee the embassy opening there (although we understand he will not remain as ambassador). A confident-sounding Stagno told Ambassador Langdale on June 11 that the Arias administration expected the controversy about the sudden switch in relations to die down in a few weeks. "The decision has been made," he stressed. Stagno asserted that the recognition timing was partly driven by regional dynamics. The GOCR was under the impression that other Central American countries, including Nicaragua, were considering recognizing China. Costa Rica did not want to be in the position of «following Nicaragua» on this issue. This was "not just about trade," According to Stagno "...

In that same confidential cable from the U.S. Embassy in San Jose, it is indicated that neither the Minister of Security of the time, Fernando Berrocal, nor the Director of Migration, Mario Zamora, were warned of Costa Rica's gesture towards China:

«12. (C) The GOCR was clearly not prepared to face the practical consequences of its political decision to embrace China. Like Minister of Public Security Fernando Berrocal (Ref A), Zamora was kept in the dark, despite his key portfolio»

In a book written by the then head of Costa Rican diplomacy during the period (2006-2010), Bruno Stagno Ugarte, published in 2013, it is read that since May 2006, the administration of President Oscar Arias Sánchez had as a priority to get ahead of Nicaragua as well as Panama in the recognition of People's China: to be the first in Central America – and if not, that People's China would not have Costa Rica –(Note 4). It is noteworthy that a few hours after the announcement of Costa Rica's recognition of

People's China became official, it was indicated in the press that the foreign minister of Taiwan offered his resignation (see *New York Times* [press release](#), of 06/7/2007): a gesture of the diplomatic apparatus that shows that the surprise for the Taiwanese authorities was total.

The absence of reprisals by Taiwan against Nicaraguan students It should be noted that this time (2021) the Taiwanese authorities have indicated that students from Nicaragua in Taiwan will not suffer any type of interruption in their studies (see press [release](#) entitled « Taiwan schools to help Nicaraguan students continue studies after diplomatic split »). This differs from the solution found by Panama with People's China to benefit Panamanian students with scholarships from Taiwan, allowing them to continue their studies and cover the costs of training in universities in People's China to limit the effect of the reprisals taken by Taiwan against them. In this [official statement](#) of Panama's diplomacy of 06/15/2017, it is read that:

"Likewise, the Ministry of Foreign Affairs reiterates that as part of the establishment of diplomatic relations, the People's Republic of China is in a position to receive all Panamanian students currently on scholarships from Taiwan, offering them funding according to the standard of the full scholarship of the Chinese Government, recognizing the subjects already studied in the universities of Taiwan. Panamanians with scholarships from Taiwan and have not yet started their studies will benefit from this agreed modality."

Apparently, in August 2018, this same formula using academic centers in People's China was able to benefit students from El Salvador with scholarships in Taiwan (see [press release from](#) La Prensa Gráfica, of 08/21/2021).

The lack of anguish of several Panamanian families in 2017 and Salvadoran in 2018 recalls the pressing situation that occurred in June 2007 with a hundred Costa Rican students on scholarships in Taipei, who in some cases had to pay for their return to Costa Rica themselves because they did not have any support from their authorities. In the case of several of them, they were one month away from completing their studies when they were notified of the immediate suspension of their scholarship by the Taiwanese university authorities(**Note 5**).

By way of conclusion

With this new recognition by Nicaragua, China Popular expands its presence in the Central American isthmus, leaving only Belize, Guatemala and Honduras as States that still remain officially linked to Taiwan.

In the rest of Latin America, the Taipei authorities can still count on the solidarity of Haiti and Paraguay, as well as St. Kitts and Nevis, St. Lucia, and St. Vincent and the Grenadines.

For its part, this normalization of relations with People's China by Nicaragua intervenes a few weeks after Nicaragua denounced the Charter of the Organization of American States (OAS), which we had the opportunity to analyze (see our [brief note](#) entitled "*Nicaragua's denunciation of the Charter of the Organization of American States (OAS): brief notes*"). It is also worth mentioning the fact that on December 3, 2021, the China-CELAC Summit was held (see [final declaration](#)) in which Nicaragua "*highlighted*" the "*strategic importance*" of this forum in such a way (see [press release of](#) the E119 digital media of 3/12/2021) that it could not but announce the turn materialized a week later (and that apparently went somewhat unnoticed by a good number of observers, international analysts and diplomatic officials).

This new stage opens the door for significant support from China in terms of infrastructure and investments of a very diverse nature in Nicaragua, offering for the same occasion to China the possibility of encouraging Guatemala and Honduras to officially recognize it in the near future.

Notes

1: The joint press release of People's China and Nicaragua (see [official link](#) posted from the Chinese embassy in Costa Rica) reads as follows:

«In the light of the interests and desire of both peoples, the People's Republic of China and the Republic of Nicaragua decide to grant each other, from the date of signing the communiqué, mutual recognition and the restoration of diplomatic relations at the level of Ambassadors.

The two Governments agree to develop friendly ties between the two countries on the basis of the principles of mutual respect for sovereignty and territorial integrity, non-aggression, non-intervention of one in the internal affairs of another, equality and mutual benefit and peaceful coexistence.

The Government of the Republic of Nicaragua recognizes that there is only one China in the world, the Government of the People's Republic of China is the only legitimate Government representing all of China, and Taiwan is an inalienable part of Chinese territory. The Government of the Republic of Nicaragua today breaks its "diplomatic relations" with Taiwan and undertakes not to have any official relationship or contact with Taiwan again. The Government of the People's Republic of China expresses its appreciation for the above-mentioned position of the Government of the Republic of Nicaragua.

The Government of the People's Republic of China and the Government of the Republic of Nicaragua agree, in accordance with the provisions of the Vienna Convention on Diplomatic Relations of 1961 and international practice, to send ambassadors promptly and by mutually and to provide, on a reciprocal basis, all necessary assistance for the installation in their respective capitals of the Embassy of the other Party as well as the performance of their functions.

With the authorization of their respective governments, the representatives of both Parties sign the communiqué in Tianjin City, on the 10th day of December 2021, in two copies in the Chinese and Spanish languages, both texts being equally authentic."

2: In the official communiqué of Taiwan (see [official link](#)) it reads that: «The government of the Republic of China (Taiwan) expresses extreme regret that the government of the Republic of Nicaragua on December 10 announced its acceptance of the "one China principle," unilaterally terminated diplomatic relations with Taiwan, and established diplomatic ties with the People's Republic of China. The Taiwan government also strongly condemns the Chinese government for again coercing a diplomatic ally to sever relations with Taiwan and for suppressing Taiwan's diplomatic space. The so-called "one-China principle" publicly advocated by the Chinese government runs contrary to the facts and has been rejected by the Taiwanese people. The Ministry of Foreign Affairs reiterates that

Taiwan is not a part of the People's Republic of China, and that the PRC has never governed Taiwan. The Taiwanese people will not bow to pressure from China. Instead, we will staunchly defend the status quo, in which the R.O.C. and the PRC are not subordinate to each other, and safeguard our free and democratic way of life.

Taiwan's accomplishments in freedom and democracy have won worldwide acclaim. Our government will firmly uphold national sovereignty and dignity, defend freedom and democracy, and work with the international democratic community to counter the expansion of authoritarianism. Taiwan will continue to proactively cooperate with like-minded nations to contribute to the world and serve as a force for good».

3: See on the particular status of Taiwan from the international legal perspective **CHIU H.**, "*The International legal statut of the Republic of China*", Occasional Papers/Reprint Series, 1992, School of Law, University of Maryland, available [here](#).

4: It is read, in relation to a trip to Mexico made in May 2006 by the then Costa Rican Foreign Minister that: *«I traveled to Mexico convinced that Costa Rica was being relegated in the region by not having initiated in advance a true dialogue with the People's Republic of China. During dinner with Li, I noticed that almost all my counterparts, with varying intensity and speed, had already held talks with Beijing aimed at normalizing diplomatic relations. We had a considerable backlog and would have to speed up the pace to reach our neighbours. As we had discussed with President Arias, the first central American country to establish bilateral relations with the People's Republic of China would have a better and greater chance of closing preferential treatment. We were very aware that Panama, thanks to the Canal and the investments and needs of the People's Republic of China related to this neuralgic point of world trade, had in its favor a card that we could not match. But we were concerned that, should the Sandinista Front win in Nicaragua's upcoming presidential election, Daniel Ortega would rush to recognize Beijing, in line with what had happened in 1985 during his first government. Finally, I was aware, given that we had a lot of confidence, that the Ambassador, Permanent Representative of Guatemala to the United Nations, Gert Rosenthal, was actively promoting the establishment of relations with the People's Republic of China.»* See **STAGNO UGARTE B.**, *Los caminos menos transitados: la administración Arias Sánchez y la redefinición de la política exterior de Costa Rica 2006-2010*, Heredia,

Editorial Universidad Nacional (EUNA), 2013, p. 92. A few lines later, it is indicated by Bruno Stagno that: «*At the end of the dinner, at the time of the farewells, I took the opportunity to give a last message, in French obviously, to Li: «either we are the first or do not count on us»*»(p. 93).

5: An attempt has been made to consult an article or public research work that collects the various testimonies of these Costa Rican students and those of their families, which could well bear the title "*Trapped in Taipei*", without much success to date. We thank our esteemed readers for sending us information about it if it exists (to the email: cursodicr(a)gmail.com). If it does not exist, it is an interesting vein to explore for researchers, which should include the legal perspective and the various arrangements and adjustments that were made in 2007 in Costa Rica itself: ignoring a State's status as a State day in the morning is not common for the legal services of a diplomatic apparatus.

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