



**Ministerio de Relaciones Exteriores y Culto**

República de Costa Rica



**COSTA RICA**

GOBIERNO DE LA REPÚBLICA

# **RELEVANCE OF THE MONTREUX DOCUMENT FOR LATIN AMERICA AND THE CARIBBEAN: REFLECTIONS FROM THE COSTA RICAN EXPERIENCE**

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## Presentation's perspective

- We will share reflections that derive from the understanding of the obligations of International Law and considering the Montreux Document as a fundamental, and complementary, piece in the path of compliance for the States.
- The experience of Costa Rica will not only be presented from its political support to the MD, but especially from its commitment to IHL and IHRL.





## Costa Rica and it's reality

- Historical commitment to International Law
- Significant progress in Human Rights

Also...

- Country with no army, without armed conflict
- Peaceful and pacifist calling

What has been its position regarding IHL?

## Costa Rica and its reality

- High commitment to IHL, in particular its enforcement (Geneva Conventions)



- Also, the commitment to work in the establishment of measures in times of peace - i.e. The Costa Rican Commission of IHL

The Montreux Document is positioned within the same logic

## Costa Rica and its reality

- Emphasis of the country in: the promotion of peace and disarmament, the protection of civilians and cultural assets in armed conflicts, the effective control of armaments, among others.

Issues of special relevance, mainly in the areas of prevention and dissemination of IHL.

----- **The person is at the center** -----



## Towards the MD: Costa Rican Pathway

- The adoption of the Montreux Document was followed closely by the Costa Rican Foreign Ministry, particularly from the Permanent Missions to the UN in Geneva and New York.
- We agreed with the importance of integrating existing international human rights law and international humanitarian law, that focus on the obligations and good practices pertinent to States, related to operations of military companies and private security in complex environments.



## Towards the MD: Costa Rican Pathway

- Costa Rica: following the incidents that occurred since the year 2000, that highlighted some key challenges related to the privatization of military and security services, including in our role as Non-Permanent Member of the United Nations Security Council, during the period 2008-2009.
- And recognizing the relevance of the MD, where our national participation was occasional until 2011.



## Towards the MD: Costa Rican Pathway

- In 2011, the country participated in the MD Regional Seminar for Latin America and the Caribbean in Chile.
- The growing phenomenon of the privatization of private security companies in the region is observed.
- Costa Rica initiated a reflection on the application of the Document at the national level, especially considering that most of the good practices contained, could and should be applied in times of peace.



## Towards the MD: Costa Rican Pathway

- Cognitive of the absence of a legal vacuum under existing obligations in IHL and HR, as it concerns to the regulation of PMSCs, on October 25, 2011, Costa Rica expresses its support for the Document.
- An official note to the Federal Department of Foreign Affairs of the Swiss Confederation is sent (very simple procedure).



## Towards the MD: Costa Rican Pathway

- March 16, 2016 - CR participates in the Peruvian experience in the *International Seminar: Good Practices and International Standards in the Private Security Sector*.
- Project begins *Strengthening capacities for effective and transparent management of small arms and ammunition in the private security sector*, with the support of UNLIREC and DCAF.
- At the end of 2016 - Costa Rica confirms political support for the Montreux Document, as it is part of the Group of Friends of the MD Forum.



## What path does the MD draw for States?

- Obligations:

- PREVENTION

- OUTREACH

- LEGISLATIVE AND REGULATORY MEASURES

- CAPACITY BUILDING

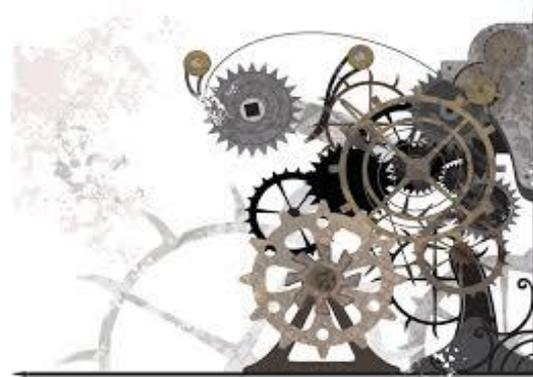
- INVESTIGATION AND SANCTION

(in case of serious violations or infractions)



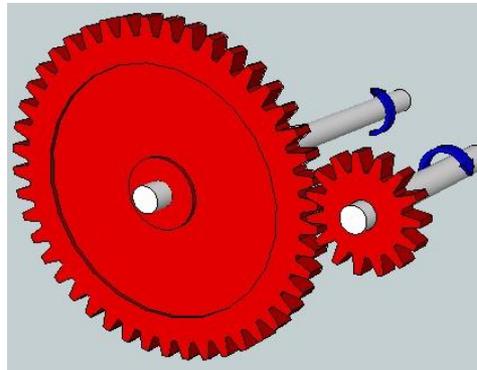
## What is the path from the MD?

- International Law is a combination of principal, derivative, complementary and subsidiary pieces. In this structure, the State is the pivot of international obligations, but the effectiveness and efficiency of these obligations does not occur without the precise positioning and clear participation of the other pieces.



## What is the path from the MD?

- PMSCs are complementary pieces, sometimes derived as well, and which, like other non-state actors, can be considered responsible on a subsidiary basis for the full operation and compliance with central rules stemming from International Law.



## **The benefits of the Montreux Document**

- In our reflections, we have to bear in mind something very important: the MD is a roadmap that allows States to exchange practices, measures and mechanisms on the same basis of understanding. PMSCs are actors that are not limited to a single area of jurisdiction.
- In the region there has been a significant increase in PMSCs in various areas, which makes it convenient to enter into a more focused, cross-border, and regional cooperation and coordination effort.
- The majority of States in the region do not suffer armed conflicts, but many countries face similar phenomena in terms of addressing the use of force and the maintenance of social peace.

## The benefits of the Montreux Document

- The convergence of applicable national law, IHL and Human Rights standards facilitate efforts in each country.
- It generates guarantees of equal treatment and legal security for the PMSCs and for the companies where they operate.



- The possibility of contributing to a democratic culture, to the Rule of Law, through transparency, accountability, supervision and monitoring.



## The benefits of the Montreux Document

- The State is always the primary responsible for preventing, promoting, respecting and guaranteeing compliance with International Law. Their responsibility starts with involving all the interested and active stakeholders that participate in the machinery. The MD allows for the involvement and active engagement of an important piece with high incidence: the PMSCs.

**Accordingly,**

**Costa Rica invites the countries that have not yet done so, to express their support for the MD.**





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Thank you!  
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