Costa Rica’s challenges and achievements in implementing Article 5 of the Arms Trade Treaty
ATT Relevance for Costa Rica

- Coauthor
- Fifth in the world to ratify the Treaty
- A country that renounced its army
- Responsible modest importer
- Committed to general and complete disarmament
Entry of Goods

- APM TERMINALS (Limón) 2018
- Competitive ports
- Efficient, transparent and expeditious controls
- 10000 UT
- High-tech scanners
Transhipment Megaport
EU ATT-OP

Significance for Costa Rica

- **TIMING** On March 2015, the Costa Rican institution presents a working document on the obligations of ATT

- Towards the establishment of an effective system of arms transfer control

- **External fact finding:** determined what is required to implement the ATT taking into account already existing arms transfer control resources
EU ATT-OP

Significance for Costa Rica

- Inclusive and flexible roadmap development
- Fresh and timely knowledge of experts in the field from different regions
Status of Implementation

2014
Entry into force

2014-2018
i. Formalize Governing Body of Coordination for the Treaty’s implementation
ii. Adopt a compliant and enforceable Control List

2018-2019
Arms Trade Treaty Special Law
Towards a National Control System

THE OUTLINE GOAL

1. Responsible Entity.
2. Identification of the material to be controlled.
3. Criteria to be applied when controlling.
5. Final control in the field of transfers.
Status of Implementation

- Inter-institutional assessment of the Treaty’s provisions has been completed.
- Systematic review of existing laws and regulations relevant to ATT implementation.
- Identification of gaps, weaknesses and issues to be addressed.
- Increased inter-institutional coordination at the Ministerial level.
- Greater information exchange.
- Legal basis for the national control system May 2017.
Status of Implementation

- Establishment of an *Ad hoc* Inter-institutional Commission for the fulfillment of the obligations of the Treaty.

- Integrated by the Ministries of the Presidency, Foreign Affairs, Public Security, Finance, Justice and Peace, Commerce, as well as PROCOMER.
The oversight of the legislature and the judgment of the judiciary branch is crucial as the Treaty underlines the need to prevent and eradicate the illicit trade in conventional arms and their diversion to the illicit market.

Institutionalized expertise of human rights and international law experts, as well as contributions from civil society.
Setting up the National System: The Legal Opinion

- In October 2016, the Directorate General for Foreign Policy requests legal guidance as to establishing a Coordinating Body and a National Control System that is comprehensive, inter-disciplinary and inclusive, considering Costa Rica’s reality and in accordance with article 5 of the ATT.
- The Legal Opinion was officially presented to the Inter-institutional Commission on May 25th 2017.
Setting up the National System: The Legal Opinion

- Article 7 of the Political Constitution states that international treaties are above national law.

- I.e. ATT is a legal body that is above any national law and sets forth an array of commitments to the State related to international arms trade regulations.
Setting up the National System: The Legal Opinion

Conclusion of a Comprehensive National Control System:

- National Control System in accordance with Art. 5 should have necessary mechanisms and resources for an operation that deals with a combination of formulas comprising international law, intelligence and security information and enforcement.

- The System will be set up via an Executive Decree and needs to be grounded in effectiveness and transparency.

- Foreseeable features interinstitutional coordination mechanisms: (communication protocols and procedures, action between instances), a clear link with international law criteria, risk analysis formulation, effective databases and accountability mechanisms.
THE SYSTEM and THE NATIONAL AUTHORITY

National Authority for the ATT (Coordinating Body)

Members:
Presidency,
Ministry of Foreign Affairs
and Ministry of Security

Executive Secretariat
(recommends, follow-up, record
keeping and reporting)
-Directorate General of Foreign Policy-

Assessment and Evaluation Committee
(informs, supports and implements decisions)

Consulting Body (Adviser)
May participate: national public institutions, civil society, international organizations, development partners
Progress in Implementation

Assistance Roadmap
The EU ATT Outreach Project

Priorities Identified after the initial visit on January 2016:

- Enhancing national control list by drafting, adopting and implementing a more comprehensive list in accordance with the ATT;

- Capacity building for national authorities - in particular to licensing, customs, intelligence and enforcement officers - with regards to developing risk assessment and risk analysis procedures (Still licensing procedures would require a comprehensive analysis on legal reforms.)
Progress in of Implementation

Assistance Roadmap
The EU ATT Outreach Project

Priorities Identified after the initial visit on January 2016:

▪ Building capacities on the identification of all conventional arms under Art. 2, ammunition/munitions, parts and components addressed to operational customs officers responsible for reviewing the income of these goods during the importing process.

▪ Train-the-trainer approach: to achieve sustainability with regards to the long-term goal of implementing the ATT effectively.
Progress in Implementation

Roadmap Activity I
ATT: Control List and Licensing Structures
27-28 July 2016

- Development and drafting process of a control list including ATT-required items.
- Support Costa Rican authorities in fine-tuning and incorporating international obligations into their national control system for arms transfers.
Progress in Implementation

Roadmap Activity II & III
Towards a Comprehensive Costa Rican National Control List,
The Scope of the ATT and
Developing Risk Assessment and Risk Analysis Procedures
15-18 November 2016

➢ Fine-tuning of the Costa Rican National Control List

➢ National authorities were supported in incorporating ATT provisions into their national arms control system (Articles 6 and 7)

➢ Practical expertise in the areas of arms identification, risk assessment and analysis were shared
Progress in Implementation

Ad Hoc Activity

Capacity Building and Competence Development for Customs and Border Officers

28 February - 2 March 2017

- Strengthen enforcement of the respective institutions at border controls, ports and airports.

- Field visit: Complejo Portuario Aduanas (Moín-Limón) y la Junta de Administración Portuaria y de Desarrollo Económico de la Vertiente Atlántica de Costa Rica (JAPDEVA)
OBJECTIVE: train and facilitate the exchange of experiences in the subregion: by clarifying regional processes in customs and border control, as well as promoting interinstitutional coordination to better create national and joint policies for the effective implementation of Treaty.

Regional Conference on customs sector
January 2018, Panama City and Colon Port, Panama.
I Activity VTF

JANUARY 17TH 2018. PANAMA NATIONAL POLICE

JANUARY 18TH. Manzanillos Port/ Canal of Panama
Border Regional Conference
July 2018

On-site meeting where three countries’ borders converge: Guatemala, Honduras and El Salvador
Achievements

Legal effectiveness of the national control system
Achievements

Argentina

MoF exchange of information
Challenges

- Legislation.
- Improvement of national enforcement systems. ATT VTF 📝
- Enhancing Costa Rica’s controls to prevent diversion (Private securities companies)
- Transit and Transshipment. ATT VTF 📝
CASES

- Air Transit
Measures taken under diversion

✓ Organising regular on-site visits to verify
Cooperation and Assistance

- Goal: Model ATT Legislation. Assistance in reviewing the adequacy of national regulations for enforcement systems.

- Risk assessment from an operative point of view.

- Training and capacity building for all actors, particularly custom officers and customs police.
Lessons Learned

- Arms Trade Treaty is a State priority

- Promoting inter-agency coordination and cooperation = ownership

- Partnerships with civil society, think-tanks, regional organizations and the UN system