

**COSTA RICA:  
NATIONAL IDENTITY AND THE  
PROMOTION OF HUMAN RIGHTS**

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*Summary:* I. Introduction. II. Costa Rica's role in the international promotion of human rights. III. Human Rights and Costa Rica foreign policy. IV. Conclusion.

## **I. INTRODUCTION**

Costa Rican national identity has long been linked to the international promotion of human rights. This has led the country to define itself as unique among its neighbors and indeed in the world. As one senior Foreign Ministry official phrased it in 1988:

Costa Rica has had a totally different political and historical development from the other countries of the Central American and Caribbean region. Nevertheless, this has not meant that our country has followed isolationist patterns throughout its life as a republic, but rather there has always existed a consciousness of our geographic position in a region afflicted with human conflicts from whose impact we have always had to protect our form of government.<sup>1</sup>

He further asserted that to ensure his country's national security it was essential to pursue a foreign policy based on an idealism that transcended the limitations of neorealist strategies which conceived of national interests too narrowly. Hence, he argued, Costa Rica strongly supported such international organizations as the United Nations and the Organization of American States because the idealism out of which they were created provided a context in which small states could ameliorate the deficiencies of size and limited resources.

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<sup>1</sup> Rodrigo X. Carreras, "Reflexiones sobre, política exterior de Costa Rica," *Relaciones Internacionales*, 23 (hereafter RI), (segundo trimestre de 1988), 8. All translations by the author.

In a period in which warfare was afflicting three of Costa Rica's neighbors, the official argued that his country's national security, defined as maintenance of territorial integrity and the well-being of the population, together with the preservation of its national resources, could best be guaranteed through international activism. Examples included Costa Rica's initiation of the Esquipulas peace process, active neutrality, commitment to disarmament and, demilitarization, expansion and rationalization of diplomatic relations with a wide variety of countries irrespective of their ideological orientation, defense of human rights not only in Costa Rica, but also in other countries via humanitarian intervention, promotion of multilateral efforts for a more equitable insertion of Costa Rica into the international economy, and increased participation in such groups as the G77.<sup>2</sup>

This description of Costa Rica's foreign policy criteria reflects a combination of idealism and pragmatism that has been present as far back as the nineteenth century and helps explain the international recognition of Costa Rica as an effective leader in the promotion of human rights in spite of the country's small size and limited material resources. What is also notable is that Costa Ricans appear quite comfortable with this duality and like many politicians, commentators, and scholars have tended to emphasize the idealistic element over the pragmatic.

Costa Rica's identification with democracy and human rights has traditionally been explained as rooted in the nature of its agrarian development, the early introduction of public education, enlightened political and economic elites, and a homogeneous population. While there is some basis to this explanation recent scholarship has suggested that landholding patterns, economic differentiation, elite behavior, and social and political participation, varied from region to region and within regions much more than has been previously recognized.<sup>3</sup> Nevertheless, Costa Rica has succeeded in projecting itself nationally and internationally as a highly equitable, cohesive society, that champions human rights out of a deep rooted idealism, thereby enjoying considerable moral credibility internationally. This is also the result, in large measure, of the skill and astuteness of the Costa Rican political leadership and also of the fact that the country has become the site of a number of major human rights institutions, as well as a critical mass of leading experts.

Costa Rica, in the pursuit of its national interests, historically has assumed leadership roles in the drafting of major international documents such as the Universal Declaration of Human Rights, the American Declaration of the Rights and Duties of Man, and the American Convention of Human Rights (Pact of San José). In addition, it has stimulated the creation of a

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2 *Ibíd.*, 7-15.

3 e.g., Aviva Chomsky, *West Indian workers and the United Fruit Company in Costa Rica* (Baton Rouge, 1996); Marc Edelman, *The Logic of the Latifundio: The Large Estates of Northwestern Costa Rica* (Stanford, 1992); Lowell Gudmundson and Héctor Lindo Fuentes; Héctor Pérez-Brignoli, *A Brief History of Central America* (Berkeley, 1989).

number of mechanisms within the UN and the interamerican system that have strengthened the international human rights regime. Furthermore, the spread of procuradurías and ombudspersons in defense of human rights might not have been as extensive, nor would the UN's High Commissioner of Human Rights have been as likely to have been established, if it had not been for Costa Rica's efforts. These are some of the results of the combining of idealism and pragmatism in Costa Rican foreign policy.

## **II. COSTA RICA'S ROLE IN THE INTERNATIONAL PROMOTION OF HUMAN RIGHTS**

Costa Rica emerged as a leader in the construction of an international human rights regime via its active involvement in the formation of the United Nations and the interamerican system in the 1940s. Its delegation to the 1945 San Francisco meeting to draft the UN Charter distinguished itself by arguing for the incorporation of human rights guarantees in the Charter. It was decided, however, that a separate document would be drafted, namely the Universal Declaration of Human Rights, which was approved in 1948. During the debates over the Declaration, Cold War tensions were evident and hence it was decided to create two implementing conventions—one on political and civil rights championed by the United States and on the other on social, economic, and cultural rights championed by the Soviet Union. The Costa Rican delegation was active in seeking language that would help bridge the gap between the two superpowers.

Just prior to the approval of the Universal Declaration, Costa Rica spearheaded the adoption of an American Declaration of the Rights and Duties of Man (1948) which included the full spectrum of civil, political, social, economic, and cultural rights. It also incorporated the concept that the enjoyment of rights begat duties on the part of the individual. This was a concept that Costa Rica had unsuccessfully urged be included in the Universal Declaration.

Once the United Nations began functioning, the Costa Rican delegations were particularly active in supporting decolonization and campaigning against apartheid, a movement in which Don Fernando Volio distinguished himself.<sup>4</sup> The latter also began urging the creation a UN High Commissioner for Human Rights in the mid-1960s, which came into being in 1993.<sup>5</sup> Up until the late 1960s Cold War tensions stymied much of the work of the UN with respect to human rights with the latter being used as one more means for the US and the USSR to attempt to undercut each other. From 1948-1968 Costa Rica was involved in the drafting of a number of important protocols and conventions including those relating to slavery and refugees, as well as in favor of women's rights. It should be noted, however, that Costa Rica opted at times not

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4 Thomas Buergenthal, "Prefacio," in Lorena González Volio, ed., *Presente y Futuro de los Derechos Humanos: Ensayos en Honor a Fernando Volio Jiménez* (San José, 1998), xxi-xxiii.

5 Mario Campos Mohr "El Alto Comisionado de las Naciones Unidas para los Derechos Humanos," RI, 50 (primer trimestre de 1995), 43.

to condemn gross violators of human rights for pragmatic reasons.<sup>6</sup> Overall as national and international pressures grew Costa Rica increasingly found that taking a strong human rights position was often conducive to its own interests.

Costa Rican contributions were particularly important with respect to the rights of the child. Its representatives introduced the concept of "the superior interest of the child" into the Convention on the Rights of the Child as the principal criterion to measure decisions that affected the health, wellbeing, and dignity of children. The country was also active as a cosponsor of dozens of resolutions concerning religious discrimination and the Relator Especial on the topic from 1982-1987 was Dr. Elizabeth Odio Benito. She also prepared the basic document for a convention on the topic. Subsequently, Dr. Odio was elected by the Security Council as a judge of the International Tribunal on Ex-Yugoslavia (1993-1997). Currently she is serving as Vice President of the Republic of Costa Rica (1998-2002).<sup>7</sup>

In terms of developing the UN infrastructure with respect to human rights, Costa Rica has been active in strengthening the Human Rights Commission and the Subcommission on the Prevention and Protection of Minorities. The former is the principal human rights unit of the UN and in its early years maintained a low profile. Recently it has become more active in condemning serious violations of human rights in such countries as Serbia, Somalia, and Rwanda. Costa Ricans have served on the Commission and its subcommittees repeatedly from 1964 to the present contributing to the gradual expansion of its work. In addition, Costa Ricans have also participated in the work of the Subcommission on the Prevention and Protection of Minorities which is concerned with discrimination based on race, sex, religion, language, and ethnicity. Its members are internationally recognized, experts in the field and its Costa Rican members have included Dr. Odio (1980-1983) and Sr. Luis Varela (1988-1990).<sup>8</sup>

A major Costa Rican initiative, was President Rodrigo Carazo's 1978 proposal to the XXXIII UN General Assembly to create a University for Peace aimed at contributing to the realization of the UN's principal task of promoting international peace and security through education, research, and reflection. From 1978 until it was approved in 1980 Costa Rican diplomats worked, assiduously not only to secure approval, but also to ensure that it was located in their country. The rationale offered was that since Costa Rica had strong traditions of democratic participation, public education, social security, and cultural integration, it would provide an appropriate setting, for such an institution. In addition, the absence of an army reinforced the argument that the Costa Rican example demonstrated that true peace was not the absence of war, but rather the result of a dynamic process resulting from striving for social justice and interna-

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6 Jorge Rhenán Segura, "Costa Rica y la protección internacional de los derechos humanos (1945-1995)," *RI*, 50 (primer trimestre de 1995), 19-20.

7 *Ibíd.*, 21-22.

8 *Ibíd.*, 23-24.

tional solidarity. Approval by the UN was described by one of the university's Costa Rican champions as "a triumph for the people and government of our country... (and) sincere recognition of its history and its unique experience."<sup>9</sup> Here we clearly see the country's identification with idealism being offered as the explanation for what was also the product of two years of intensive lobbying by the Costa Rica's diplomats and political leaders.

One area in which Costa Rica has not assumed a leading role within the UN has been with respect to indigenous rights, an issue that has also tended to be ignored within Costa Rican domestic politics. In general Costa Rican representatives have avoided the issue and in 1989 its ambassador voted against the Convention on Indigenous and Tribal Peoples in Independent Countries. Costa Rica has also, at times, denied that indigenous rights need to be incorporated into the work of the Committees on Racial Discrimination and on Civil and Political Rights.<sup>10</sup>

Perhaps the most substantial contributions to the international human rights regime made by Costa Rica have been via the interamerican system, specifically through the Pact of San José, the Inter-American Commission on Human Rights, the Inter-American Court of Human Rights, and the Inter-American Institute of Human Rights. The latter two are based in San José. The Inter-American Commission was established in 1959 as part of the OAS to analyze the human rights situations in member states and make recommendations for improvements. Given that its mandate was not clearly defined, its role has evolved over time to include responding to individual complaints, as well as to the conditions that gave rise to them. By the late 1970s the Commission was undertaking on-site investigations of such countries as Argentina and Nicaragua contributing to the downfall of authoritarian regimes in both countries. In addition, the Commission was called upon by the governments of Colombia and Panama to clarify their human rights situations in periods of intense conflict.<sup>11</sup> The obvious political implications of its work have resulted in substantial pressures being brought to bear to undercut it at times. The Commission has also gone through phases of intense activity and periods of relative quiescence, in part, related to the composition of its membership. Costa Rica has historically been a supporter of a strong commission.

An Inter-American Court of Human Rights was approved in 1969 is part of the Pact of San José. It did not, however, come into existence until 1978 after 11 OAS members had approved it. Costa Rica was not only the first country to accept the competence of the Commission, but also the first to admit the jurisdiction of the Court. The Court and the Commission were linked under the Pact of San José as the former generally receives cases once

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9 Francisco Barahona Riera, "Costa Rica y la creación de la Universidad para la Paz," Discurso pronunciado ante la Sexta Reunión Trienal de la Asociación Internacional de Rectores de Universidades, San José, Costa Rica, julio, 1981, 74.

10 Rhenán Segura, 23.

11 Tom. Farer, "The Rise of the Inter-American Human Rights Regime: No Longer a Unicorn, Not Yet an Ox," *Human Rights Quarterly*, 19 (1997), 510-546.

they have been reviewed and acted upon by the latter. Initially the Court was somewhat ignored and Costa Rica in 1981 undertook to remedy that by submitting a case concerning the degree to which both national legal remedies and recourse to the Commission had to be exhausted prior to the Court's becoming involved. Again in 1985 Costa Rica attempted to help clarify the authority of the Court by requesting an advisory opinion on the relationship of national laws to articles in the American Convention. The Court held that the rights requirements of the Convention superseded national law. By the late 1980s the Court was receiving an increasing number of cases and in 1988 decided the first case by an international tribunal involving disappearances instigated by a state. It also recognized communal rights in a unprecedented decision concerning indigenous communities in Suriname. These, and other decisions, have strengthened the international human rights regime substantially. Several leading Costa Rican jurists have served on the Court including Sonia Picado and Rodolfo Piza, while Angela Chacón de Acuña, Víctor Tinoco and Fernando Volio have been members of the Commission.

Locating the Court in Costa Rica was regarded by commentators at the time as clear recognition of the country's well-known role as promoter of rights both nationally and internationally. As an 1978 editorial in *La Nación* phrased it Costa Rica, in spite of its small size, "has been converted...into an interamerican and world leader in human rights, a role for which it has sufficient moral authority given its democracy and its attachment to the theory and practice of respect for the human person."<sup>12</sup> Furthermore, the newspaper argued Costa Rica's success was all the more reason for it to pursue the creation of a similar world court. Such a tribunal was approved by over 100 nations in June of 1998 as a result of an international campaign in which Costa Rican government, jurists, and human rights advocates took a leading role.

Shortly after the Inter-American Court became a reality, the judges perceived the need for an institution that would be charged with education, promotion, and technical assistance on behalf of human rights throughout the Americas. The result was the Inter-American Institute of Human Rights created by an agreement between the Court and the government of Costa Rica in 1980. The first Consejo Directivo included a number of Costa Ricans including Rodolfo Piza, Christian Tattenbach, and Fernando Volio. In 1984 the former dean of the School of Law of the University of Costa Rica, Sonia Picado, assumed direction of the Institute and over the next ten years transformed into a highly professional organization with activities in every country in the Western hemisphere. Today it provides technical assistance and monitoring for elections, training for both normal and informal educators, as well as the preparation of materials and curricula, strengthening of civil society through projects related to civil-military relations, fortifying of the legal defense of women's rights, reform of judicial institutions, and the training of lawyers, court personnel, and police. Several thousand individuals have participated in courses, seminars, conferences, and other meetings organized by the Institute and frequently co-sponsored by local and regional organizations. Throughout the government of Costa Rica has provided both diplomatic and material support. The presence of the Court and the Institute has

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12 "Liderazgo de Costa Rica en los derechos humanos," *La Nación*, 22 de julio 1978.

also served to increase human rights consciousness and activities within the country on the part of both the government and civil society.

In terms of the former, Costa Rica has become international champion of both increasing the focus of Procuraduría Generales on human rights, as well as creating ombudspersons for their defense. Such efforts stem, in part, from a increasing sense of the limitations of such traditional defenses of rights as *habeas corpus* and *amparo*. In the Costa Rican case senior government officials have admitted the deficiencies of such recourses, including the difficulty of bringing actions against courts themselves, unwarranted delays, and procedural difficulties. Pressures built up in the 1980s in Costa Rica itself for reform of the office of Procuraduría General and the creation of an Ombudsperson, both of which were accomplished. The latter is intended to provide ordinary citizens and groups with more effective recourse than traditional legal mechanisms.<sup>13</sup>

### III. HUMAN RIGHTS AND COSTA RICA FOREIGN POLICY

Costa Rican national identity, and particularly the image of the country as a champion of human rights, encouraged it to assume a major role in the Central American peace process in the 1980s and 1990s. The country's democratic image helped it exert moral and political leadership within the region, as well as internationally, in brokering the Esquipulas agreement (1987) and its implementation. While the country's foreign policy principles have reinforced the image of an idealistic Costa Rica via its defense of national sovereignty, the self-determination of peoples, non-intervention, human rights, democracy, the right of refuge and asylum, juridical equality between states, peaceful resolution of international conflicts, demilitarization and disarmament, as well as the promotion of socioeconomic justice as the basis for international peace and, stability, their actual pursuit has also redounded to the country's own interests. This was clear in its response to the recent warfare in Nicaragua, El Salvador, and Guatemala, which prompted Costa Rica to adopt a more interventionist foreign policy.

Such intervention was justified by references to "lessons" from Costa Rican history to the effect that a certain type of intervention-active, qualified, autonomous, and unarmed-was legitimate and necessary.<sup>14</sup> In the 1980s former president José Figueres (1953-58; 1970-74) was often cited to the effect that healthy intervention was preferable to letting a neighbor's

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13 Enrique Rojas Franco, "Necesidad de la creación del ombudsman en Costa Rica," and "La protección de los derechos humanos por la Procuraduría General de la República," in *Los derechos humanos y su protección por parte del estado: Memoria del Primer Congreso Mundial de Derechos Humanos celebrado en Alajuela, Costa Rica, del 6 al 12 de diciembre de 1982* (San José, 1984), 111-129.

14 Carlos Manuel Castillo, "Una voz propia para Centro América," in *Centroamérica: Condiciones para su integración* (San José, 1983), 59.



home burn and that respect for human dignity was more important than borders.<sup>15</sup> Furthermore, the absence of an armed forces was not regarded as exonerating Costa Rica from its "historic vocation" to defend democracy and human rights. Indeed, it was precisely because of the country's historical commitment to human rights that intervention was considered legitimate and in no sense a violation of the Costa Rica's neutrality or another country's sovereignty.<sup>16</sup>

Such reasoning is similar to that which in the early 1990s led a good number of UN members to approve of a growing number of "humanitarian interventions" including in Central America. Such policies reflect an increasing realization that globalization had made extensive human rights violations in individual countries serious threats to regional and international peace and security. Costa Rica's substantial involvement in the Central American peace process flowed logically from the pursuit of its own national security and economic well-being, as well as its belief in its role as a champion of democracy and human rights. The success of the Esquipulas peace process helped reinforce the international image of the country as a highly effective international leader.

#### IV. CONCLUSION

Whether or not the traditional interpretation of the origins of Costa Rica's national identity is accurate or not, it is clear that the image of the country as primarily motivated by a commitment to democracy, human rights and social justice helps determine its effectiveness in international fora more than its size or resources. Indeed, the image has sometimes stimulated Costa Rica to take risks that many other countries would not. There is no doubt that Costa Rica is unique in many ways as witness its early adoption of public education and abolition of capital punishment, as well as its activities on behalf of an international human rights regime. Costa Rica has clearly benefited from a national identity infused with idealism that has, at times, served to make one of the smallest countries in the world, an international moral and political leader. The combination of idealism and pragmatism has served Costa Rica well.

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15 Carreras, 10.

16 *Ibíd.*, 11-12.