

## **Arms Trade Treaty Diplomatic Conference 2 - 27 July 2012 Summary Report: Plenary Session: Afternoon - 10 July 2012**

This afternoon's meeting of Committee 2 saw the discussion of the Final Provisions of the treaty. The delegations of Peru, Mexico, the European Union, Switzerland, Japan, Trinidad and Tobago, Ghana, Ireland, Cuba, France, Italy, Malaysia, Brazil, Denmark, Iran, Columbia, Egypt, Uruguay, the Republic of Korea, Indonesia, Algeria, Sweden, Spain, Venezuela, and the People's Republic of China took the floor.

Concerning entry into force, some delegations proposed that customary international law be followed, i.e. ratification by one third of member States will be required. In this case, 65 ratifications will be the necessary number. This was the position supported by the **European Union, France, Algeria, and Sweden**, who added that 65 ratifications are not reached after three years, this number should be lowered so that the treaty starts working early enough.

However, there was a great number of other propositions regarding the number of ratifications by State parties for entry into force. **Switzerland** expressed its view that 65 ratifications might be excessive, and proposed the number of 40.

**Mexico** proposed that the number be 30; **Ghana** as well as **Brazil** proposed that it be 60.

Other delegations even proposed that a lower number of ratifications be required so that the objective of universality of the ATT could be reached faster. **Cuba** proposed that the number be 35 (but not less); **Malaysia** proposed that it be 30 but remains flexible, such as **Uruguay** and **Columbia**, which stated that this number "will send a positive message to States that are not yet parties"; finally the delegation of **Iran** proposed that the treaty enters into force after half of the United Nations member States have ratified the convention, i.e. 97 ratifications would be necessary.

The importance of including a provision stating that exporting and importing countries who are the major players in international arms trade had ratified the treaty before it can enter into force was also mentioned by **Cuba, France, Iran, Egypt, and Algeria**.

Concerning the possibility of making reservations, the delegations of **Peru, Mexico, the European Union, Trinidad and Tobago, Ghana, Ireland, Columbia, Uruguay, and the Republic of Korea** were against.

**Italy** stated that the right to make reservations should follow customary international law and common sense, along with **Egypt** and **Malaysia**, which proposed an additional clause stating "Reservations may be withdrawn at any time." **Sweden** specified that reservations would be useful to enhance the objective of universality of the treaty.

**Iran** insisted on the national sovereign right of each state to make reservations, adding that "it will allow many countries to join the treaty" and will be for the benefit of its universality.

Concerning amendments to the treaty, **Switzerland** proposed that if no consensus can be reached, a two-third majority vote be followed. **Iran** was of the view that amendments be agreed only by consensus of State parties.

In addition, the delegation of **Cuba** highlighted the sovereign right of States to withdraw from the convention when it is deemed appropriate, and added that this decision should be a voluntary sovereign act not subject to any conditionality. **Egypt** and **Iran** joined this position, the later mentioning a possible reference to the national interests of the country. **Algeria**, who also considered that withdrawal should be allowed, mentioned that it did not share the view stated in the Chair's non paper of July 3<sup>rd</sup> 2012 that full explanation for withdrawal should be provided.

Concerning the Meeting of States Parties and Review Conferences, the majority of states agreed that the meeting of States Parties should be held on an annual basis and the Review Conference every 5 years.. **Switzerland** believed that meetings should be held at least once a year. **The Republic of Iran** added that review conferences should include a preparatory committee that will be decided upon by the participating states. **Columbia** highlighted the point that annual meetings "generate a considerable cost to smaller nations and confusion" and suggested only one category of meeting – review conferences. **China** noted that consultations between States should take place on a voluntary and bilateral basis. In addition, **Sweden** stated that due to unforeseen problems that are likely to arise during implementation that the first review conference should be held 2-3 years after entry into force, and then at intervals of 5 years thereafter. It is also important to note that the definition of the terms "Meeting of States Parties", "Review Conferences", "Assemblies of States" is still being debated.

General agreement existed among states on the necessity of a mechanism for dispute settlement. However, many statements were put forth on the following issues: implementation of a dispute settlement, inclusion of UN Charter

references within the provisions on dispute settlement, inclusion of specific judiciary bodies, inclusion of unbiased third party arbiters, and consultations. **Mexico** stated that reference to article 33.1 of the UN Charter should be included within the provisions of dispute settlement. **France** preferred that the term 'consultations' be used instead of 'negotiations'. Some delegations also mentioned that the International Court of Justice should "serve as the last stand" in dispute settlement. However, **Sweden** did not agree with the use of "supra-national bodies that could affect national control." **Egypt** stated that the provisions on dispute settlement should be binding. In addition, the **Republic of Ireland** mentioned that dispute settlement should focus only on treaty provisions and not national agendas.

Also, **Japan** mentioned the obligations of the treaty to state parties and non-state parties should be clarified. Concerning the relationship of the treaty with other instruments, **Denmark** proposed to include a reference to future bilateral and multilateral agreements. Further, **Columbia** stated that amendments to the treaty should be adopted in the same way the treaty was originally ratified.

President of this Main Committee 2 stated that he was grateful for the progress completed within this meeting and thought that comments made were "too the point, clear, and creative." He believes there is convergence among states on many issues, regardless of the particular differences stated. Further, he hoped for continued progression of negotiations and that tomorrow's discussion on scope would resemble "something closer to treaty language."