

Arms Trade Treaty Diplomatic Conference 2 - 27 July 2012 Summary Report: Plenary Session: Morning – 12 July 2012

During the morning session of July 12th the negotiation process continued regarding the issues of Criteria and Parameters to be included in the potential Treaty. **Benin, Brazil, Chile, Costa Rica, Cuba, Democratic Popular Republic of Korea, Denmark, Egypt, European Union (EU), Finland, France, Germany, Ghana, Holy See, International committee of the Red Cross, Ivory Coast, Iran, Ireland, Kenya, Liberia, Liechtenstein, Mali, Mexico, Malawi, Moldova, Netherlands, Nigeria, Pakistan, Poland, Republic of South Korea, Romania, Russian Federation, Singapore, Spain, Sweden, Syria, the United Republic of Tanzania, Togo, Trinidad and Tobago, United Arab Emirates, United States, Venezuela, Vietnam, Zambia**, took the floor to express their views and concerns about the part of the Treaty pertaining to Criteria and Parameters.

All delegation agreed that the part of the potential Treaty pertaining to Criteria and Parameters is very sensitive as it forms the "cornerstone" of the ATT. Such part should spell out clear, objective and applicable criteria for the ATT to be a robust and comprehensive Treaty. **The Russian federation and Egypt** called on a legal clarification between the two concepts of Criteria and Parameters and reminded that all criteria included in the final outcome should strictly be relevant to the core of the Treaty and multilaterally agreed upon by all delegations. **Venezuela** reinforced the latter point by stating that it did not wish to see some delegations translate from the national level to the global level broad criteria that can be politically manipulated. **Pakistan** reminded that criteria regarding arms transfer already exist in the corpus of international law and that it did not prevent irresponsible arms trade in the past which have fueled armed conflicts. Overall, **Cuba, Egypt, Iran and Venezuela** opposed the inclusion in the potential Treaty of criteria that they deemed highly subjective such as "corruption", "social-economical development" or "poverty reduction", which should be referred to in the Preamble. They are not opposed per se to the inclusion of a humanitarian component in the outcome document but they stated that they do not want that component to be used to interfere in the internal affairs of any state party.

A great deal of delegations re-affirmed that criteria should not infringe on their sovereign rights to self defense and their subsequent rights to acquire, manufacture, export and import conventional weapons to ensure their national security needs. A few delegations insisted on the inclusion in the Treaty of a provision regarding both the right of people to self-determination and the right of states to territorial integrity. Some delegations mentioned that criteria should clearly specify that arms transfers are forbidden for non-state actors and unauthorized end-users, particularly transnational organized criminal or terrorist groups. All delegations, albeit with some reservations for **Cuba, Egypt, Iran and Venezuela**, agreed that criteria should make references to both the UN Charter and states' obligations under international law, particularly international human rights, humanitarian law and criminal law.

Many delegations expressed their concern about the wording on the Chair Paper of July 3rd regarding the prohibition of arms transfer. They consider that the current formulation is too weak and wish instead that any arms transfer should be denied automatically when there is a risk that weapons might be misused and served to the commission of gross violations of international law. In that regard, most delegation referred to the joint proposal made by **Australia, Japan, Sweden and Switzerland** and which specified that "A State Party shall not authorize a proposed export of conventional arms that would originate from its territory if the export would violate the State Party's obligations under international law or any of the State Party's international obligations". They specified as well that they would like to extend the ban to all types of arms transfer and not only exports. Most delegations further emphasized that states must conduct a rigorous "risk assessment" before authorizing any arms transfer and delayed such authorization as long as any risks still exist in the recipient country. As such any "precautionary measures to mitigate risks" must be taken prior to any arms transfer. Some delegations pointed out as well their concern about the wording "grave breaches" of international humanitarian law as the latter applies only to international conflicts. They would like instead a reference to "serious violations", which concern both intra- and inter national conflicts.

Finally, **Ghana, Ireland, Kenya, Liberia, Malawi, Mali, Sweden and Zambia** explicitly mentioned the issue of "gender-based violence", particularly "sexual violence" and "rape" that are used as a "true weapon" in many armed conflicts and are made possible by the unregulated arms trafficking and requested that a reference to it be included in the preambula as well as in the criteria.