

Arms Trade Treaty Diplomatic Conference 2 - 27 July 2012 Summary Report: Plenary Session: Morning - 5 July 2012

The morning session of Thursday 5 July saw the continuation of high-level statements. The following Member States took the floor: **Trinidad and Tobago** on behalf of **CARICOM**, **Nigeria** on behalf of the **African Group**, the **European Union**, **Kenya**, **Ecuador**, **Nicaragua**, **Liechtenstein**, **Costa Rica**, **Brazil**, **Cuba**, **Malaysia**, **Finland**, **New Zealand**, **Egypt**, **Iran**, **Syria** and **Algeria**. The **ICRC** also made a statement.

Most agreed that the unregulated trade of conventional arms and their diversion to the illicit market contributes to armed conflict, displacement of people, organised crime and terrorism and undermines peace and security stability as well as sustainable social and economic development. They recognised the need to conclude a legally binding instrument to establish the highest possible common international standards for the import export and transfer of conventional weapons. They also acknowledged that the arms trade contributes to gender-based violence (**Liechtenstein**), and that the treaty should be universal, objective and balanced (**Malaysia**, **Brazil**), non-discriminatory, resistant to political abuse (**African group**, **Egypt**) transparent and relevant to all states (**EU**) and must focus on prevention (**Nicaragua**). The purpose of the ATT is not to prevent the legitimate right of states to self-defence but rather to regulate the trade of conventional arms and prevent the diversion of legal arms to illegal arms to illegal markets (**Malaysia**). All states involved –exporters, importers and transit and transshipment states –should have obligations under the treaty (**Brazil**).

A number of states emphasised the right of all states to individual or collective self-defence in accordance with Article 51 of the UN Charter and many echoed Nigeria's statement on how The ATT should be consensus-based in order to obtain the best result. For CARICOM and Brazil, national regulation and efforts have proven insufficient given the trans boundary character of the illicit trade, and therefore an international agreement would help reduce the incidence of the problems created by this activity.

In order to achieve its purpose, the ATT must contain objective and non-discriminatory criteria for the transfer of weapons (**CARICOM**, **Lichtenstein**, **Luxemburg**, **Finland** and **New Zealand**). The most important criteria relate to International Human Rights Law and Humanitarian Law. States need to conduct a risk assessment before authorising any export of arms and also ensure that arms are not transferred in breach of the UN Charter, Chapter VII resolutions or when they might be used in violation of international humanitarian law or international human rights law (**New Zealand**) or are likely to be diverted to assist in fuelling transnational organized crime, armed conflict or armed violence (**CARICOM**). Prohibiting the transfer of arms to individuals indicted by the International Criminal Court should also be included (**Liechtenstein**). Criteria in the treaty should also address the risk of gender-based armed violence (**Finland**).

For **Egypt**, “when linkage is made between arms transfers and international humanitarian law, international accountability is the only guaranty against abuse of the existing imbalance between major arms producers and the rest of the world. The only way to avoid potential abuse is to develop objective, measurable and concrete parameters and rely on collective decision-making and collectively agreed criteria that are measurable and easily verifiable”.

Most of the speakers agreed that the scope of the ATT must be comprehensive and include all the categories of the UN register plus SALW and ammunition (**Brazil**, **CARICOM**, **Liechtenstein**, **ICRC**, **Malaysia**, **Finland** **New Zealand**, **Costa Rica**, **Kenya**). In addition, a number of states deemed important to include also parts and components and technology. **Brazil** was of the opinion that a broader scope would have to be dealt in light of the impact in term of States Parties' security in particular in relation to reporting obligations that may arise from the instrument: to report on the acquisition of weapons designed for defence purposes would pose difficulties for countries which depends on conventional arms for self defence.

On the scope of the transactions/activities, most states agreed that it should include import, export, re-exports, transit transshipment brokering, loans, leases, gifts, While **Costa Rica** was of the view that transfer of technologies, manufacture under foreign license, temporary transfer and technical assistance should also be regulated, **Ecuador** indicated that transfer of technology should not be included International assistance and cooperation, were deemed essential (**CARICOM**, **New Zealand**, **Brazil**, **Costa Rica**, **European Union**, **Finland**) and should not be a tool for political pressure (**Nicaragua**). In this regard, the establishment of an independent mechanism such as the Implementation Support Unit would be essential for the effective implementation of the ATT (**New Zealand**). It would have the responsibility to receive

and verify reports from States Parties on the implementation of their obligations, which flow from the agreement. It would also be “a body designed primarily to support international efforts and cooperation and assistance with a view to helping States Parties to establish and strengthen their national control systems over arms transfers” (**Brazil**).

With regard to the implementation of the treaty, **Liechtenstein** mentioned that disputes between states regarding the interpretation or application of the Treaty should be addressed by the International Court of Justice unless the parties agree to another mode of settlement. **Liechtenstein** also supports the establishment of an Assembly of States Parties. **Brazil** stressed that universality is a crucial aspect for an ATT effectiveness and that the accession of the major arms exporting countries would be necessary so as not to generate effects that could discriminate States Parties vis-a-vis non State Parties to an ATT.

Reference was made to the crucial role played by civil society and non-governmental organisations (**Liechtenstein, Finland**).