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FINAL UNITED NATIONS CONFERENCE ON THE ARMS TRADE TREATY

JOINT STATEMENT BY THE DELEGATIONS OF:
THE BAHAMAS, BELIZE, CHILE, COLOMBIA, EL SALVADOR,
GUATEMALA, JAMAICA, MEXICO, PERU, TRINIDAD AND TOBAGO
and URUGUAY

Delivered by Ambassador Enrique Roman-Morey
Permanent Representative of Peru to the United Nations

New York, 18 March 2013
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Mr. President,

I have the honor to speak on behalf of The Bahamas, Belize, Chile, Colombia, El Salvador, Guatemala, Jamaica, Mexico, Peru, Trinidad and Tobago and Uruguay.

At the outset, let me sincerely congratulate you for your election as President of this Final Conference on the Arms Trade Treaty (ATT). You have shown a great commitment towards the finalization of the ATT, as mandated by the General Assembly resolution 67/234, and we are certain that your tireless efforts, together with the commitment of Member States, will culminate at this Final Conference with the adoption of a strong, meaningful and comprehensive Treaty. Let me also extend our congratulations to the members of the Bureau, as well as to the representatives of the Secretariat.

Mr. President,

Last July, a group of more than 90 delegations – that included this group of States – expressed deep disappointment over the fact that the Diplomatic Conference could not conclude an Arms Trade Treaty. Resolution 67/234 gives us the mandate to finish the work interrupted in July, and we are truly committed to agreeing on a strong, robust, effective, and legally binding Arms Trade Treaty. We have supported this objective since the beginning of the preparatory process, and we are ready to conclude this process. You can count on our support to reach a successful outcome at this Final Conference.

The draft treaty of 26 July 2012 constitutes a good basis for our work. However, this text needs to be improved in order to be acceptable and enforceable. Allow me to highlight some of the issues that need to be addressed.

First and foremost, the ATT should constitute a legally binding instrument. As such, it must be drafted as a treaty, not as a political declaration. A legal revision of the 26 July text is therefore necessary.

Our region is negatively affected by the illicit trafficking of arms, and one of the core objectives of the Treaty is to prevent the diversion of conventional arms to the illicit market and to unauthorized recipients. However, this objective is not met in the current text. All provisions regarding diversion of weapons have to be strengthened and operationalized. Such provisions should not be optional; the balance of the Treaty depends on it.

Preventing the diversion of weapons is not enough. Ammunition continues to fuel armed conflicts around the world with tragic humanitarian consequences. However, it is not
included in the scope of the Treaty. This should be addressed during our negotiations. We strongly believe that munitions, ammunition, military explosives, parts and components and technology must be included in the scope of the ATT.

The transfer of conventional arms comprises a wide range of activities, beyond the traditional understanding of trade. In this regard, we firmly believe that all types of transfers which imply an international movement of arms must be covered by this Treaty, including gifts and loans. Otherwise, we would create a serious loophole to the Treaty.

It is of paramount importance that the right weight and dimension are given to international humanitarian law and international human rights law obligations in the Treaty. In this regard, the reference to international crimes in Article 3 should be revised in order to make it clear and enforceable.

Further clarity should be given to the national assessment process prior to the transfer of conventional arms. Arms shall not be transferred if they have the potential to undermine peace and security, be used to commit or facilitate serious violations of IHL or IHRL. Also, the use of ambiguous concepts such as “overriding risk” creates confusion and should be replaced by clearer concepts such as “substantial risk”.

However, positive dialogue between States involved in a transfer must be an essential part of any risk assessment process. Interaction between parties to a transfer is necessary for a joint and effective implementation of the Treaty. Joint actions between exporters and importers, such as dialogue, mitigation and preventive measures are of particular importance and should be maintained.

The Treaty must have clear rules for its implementation; otherwise it will not be effective. Conditional or optional language such as “may” and “as appropriate” should be replaced by clear operative language throughout the Treaty text, and particularly in all the implementation section.

We also believe that the ATT cannot be understood as an exporters’ agreement only. It must reflect an equitable balance of rights and obligations for all States Parties. The implementation of the Treaty must address the needs of both exporters and importers.

Information sharing regarding details of exports authorizations should be an obligation of exporting States vis-à-vis transit and trans-shipment States. It is essential that such States give their authorization prior to such activities.

Transparency is also essential for a proper implementation of the Treaty. Reports of transfers should be mandatory and shall be made public and available to States Parties of the Treaty. We also believe that reports must be kept for a minimum of twenty years.

International assistance is a key component in ensuring that the implementation of the ATT is carried out in an effective manner, and the provisions in this regard should be strengthened.
Concerning the final provisions, we consider that the Treaty must not allow reservations.

We also believe that the primary goal of the Conferences of States Parties should be to review the implementation of Treaty, so as to adapt it to future technological innovations in the arms industry. For this reason it is of crucial importance to allow the adoption of amendments to the Treaty. In this regard, the procedure for the adoption of amendments should be revisited. Adoption by consensus of amendments could deny the possibility of updating the Treaty in the future.

Finally, the Article on peaceful settlement of disputes should include all provisions contained in Article 33.1 of the UN Charter, particularly the judicial settlement, which is currently absent in the text. A proper mechanism for the peaceful settlement of disputes would prevent the arbitrary imposition of ideological or political views in the implementation of the Treaty, and would allow for a proper interpretation of its provisions.

Mr. President,

We are committed to the necessity of agreeing on an Arms Trade Treaty that will establish legally binding international regulations and mechanisms with the highest common international standards to regulate the trade of arms. Rest assured that we will work tirelessly and constructively, and in close cooperation with you and with all Member States towards the attainment of this important objective during this Conference.

Thank you very much.