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.

Mr. President,

We would like to thank you for presenting us your “legal scrub” on the text of 26 July 2012. We note with appreciation that you have incorporated some of the proposals of this nature that were submitted to you by our Group. Nevertheless, we would like to offer you the following concrete comments:

1. We agree that the phrase "object and purpose" is consistent with the law of treaties. Yet we would like to clarify that spelling out the object and purpose of the Treaty in article 1 does not mean that it is limited to that provision, since the object and purpose are realized through the implementation of other operative provisions, such as articles 2, 3, 4 and 5, for example. We believe this clarification to be pertinent given the interconnection of the object and purpose with other articles of the Treaty.

2. The cross-referencing of the articles of the Treaty throughout the text is an improvement that cleans the draft and gives congruency to its reading.

3. However, references to article 2 should not be limited to paragraph 1, since it is article 2 as a whole that addresses the issue of scope.

4. Further, we have noticed that while there were some provisions in 26th of July version that did not refer expressly to the scope of the Treaty, former article 3(1), new article 4(1) for example, are now limited also to article 2(1) through a cross-reference. Another example is found in new article 13(4), where a reference to article 2(1) has been added unnecessarily limiting the application of said provision. We consider that these changes are of substance since there is a direct connection with the inclusion of munitions and ammunition in the scope of the Treaty. If ammunition/munitions and parts and components are included in
article 2 we can accept the changes, otherwise the change represents a step back that is certainly not of a legal nature.

5. The express reference to several articles of the UN Charter is pertinent to give clarity to the concepts that are referred to in the text.

6. The rearrangement of various articles of the Treaty, especially new article 3 on General Implementation, provides the Treaty with a much better structure, an element which is important for its interpretation.

7. The provision included in new article 6(1) was a necessary fix and we are glad to see that insertion.

8. Similarly, we welcome the reference both to ammunition and munitions as this will facilitate the translation to other languages.

9. Removing unnecessary qualifiers, such as “adequate” or “appropriate”, of the various measures that States Parties would have to take in order to implement the Treaty is a very positive step forward in this stage of the negotiations.

10. However, since we are negotiating a legally binding instrument, we would insist that the word “may” used throughout the text ought to be replaced with the word “shall”, instead of using another non-legally binding term such as “are encouraged to”.

11. Furthermore, we also believe that in most articles, if not all, the references to national laws are legally unnecessary. More consideration should be given then to removing such references rather than keeping them with the fix you have suggested of using the formula “pursuant to its national laws”.

12. One final comment: We believe that the references to the Secretariat in new Article 18(1) should be replaced with references to the Depositary, as this would be in line with paragraphs (3) and (4) of the same article.

Mr. President,

All other comments on substance will be made in due time once we are presented with the Friday text which we hope will reflect the observations we have presented this week in the various working groups.

Thank you.