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, we would like to thank you and your team for the way in which you coordinated our work last week, and for presenting us with a new draft text last Friday evening.

Although we recognize that there are some improvements in it, we are still concerned about the apparent lack of movement with regards to some issues and with the movement of others, in the wrong direction. So as we enter into the final stage of our negotiations, allow me concentrate on those and to highlight some aspects that are essential to us so and that necessarily have to be addressed if are to have a consensus text adopted on Thursday. I will therefore limit our intervention to four issues:

I. Principles

We believe that all principles must be expressed in a manner that is consistent with international law, especially with the UN Charter. This is particularly relevant for principle 7, which now includes a reference to "peace support operations". Given the lack of definition of such a concept, we consider that for that addition to be kept, it should be framed within the UN system by adding the words "in accordance with the Charter of the United Nations".

II. Scope

With respect to the scope, we believe that the deletion of the words “at a minimum” is unfortunate. Since the beginning of the negotiations, we have advocated for an ATT that is flexible enough in its scope so that it can incorporate future developments in the arms industry and the closed provision that we have before us seems to prevent us from doing that.

Similarly, the reference to the activities covered should provide for the possibility to include all possible international transactions.

Also, the limitation that has been drafted to cover ammunition/munitions fired, launched or delivered, leaves out important items like hand grenades which must be covered within the ATT.
But most importantly, we consider that the express reference that is included in Article 5 paragraph 4 to the United Nations Register on Conventional Arms as the basis for national definition of items is too restrictive since said instrument does not contain a definition of small arms and light weapons. This would create a serious loophole in the treaty. The reference made to the descriptions used in the UN Register, is not sufficiently clear about the coverage to all small arms and light weapons. We believe it is imperative to make this reference clear enough in the text so that such conclusion is not left to the individual interpretation of this provision by States Parties.

III. Export and Export Assessment

We believe that the structure of the assessment process that is contained in Article 7 goes in the right direction. The fix that we suggest is intended to clarify such process which, as an overwhelming number of delegations have always considered, is “the heart of this Treaty”. We refer to the need to add a sentence at the end of Article 7 paragraph 3 clearly stating that whenever there is the likelihood that the items in an export would undermine peace and security, such export shall not be authorized. We truly believe that we can all subscribe to the idea that if by our actions we would cause negative impact to peace and security, we should avoid such action. Also, it would clarify that a decision in that regard has to be made as a premise to carry out the assessment process that follows.

Furthermore, there is an important link between the clarification that we have just referred to and the use of the word “overriding” in paragraph 7, which we would still prefer to replace with the word “substantial”.

IV. Final Provisions

Our third point refers to the clauses on final provisions. First, we consider that limiting the access to dispute settlement mechanisms only to States Parties involved creates an unbalanced set of rights and obligations among States Parties. The mechanisms to settle a dispute by peaceful means must be available to all States Parties, since such mechanisms would apply to any dispute regarding the interpretation or application of the Treaty as a whole. Also, we insist that at least a reference to judicial settlement must be incorporated in Article 19 paragraph 1. Even more so given that recourse to any mechanism will occur through States Parties’ mutual choice.

Second, given the relevance that Article 20 has with respect to the issues we have addressed in scope, the procedure for the adoption of amendments has to be revised so that an alternative mechanism is setup in cases where consensus cannot be achieved.

Third, we still have serious concerns with respect to Article 25 regarding reservations. As you very well know, we have strongly advocating for an ATT that does not allow for reservations. In the spirit of moving towards consensus, we have alternatively suggested for allowing for reservations except for the core articles of the Treaty. Nevertheless, looking at the text that you presented on Friday, we see that there has been no flexibility on this important issue. On the contrary, said provision now has even expanded to allow reservations at any time with respect to any provision of the Treaty. In order to prevent for potential future controversies on this issue, we should preserve the general rules of treaty law.
Finally, as a result of the constructive discussions that we had on the respective working group, we would support the inclusion of the new proposed Article 26 with regards to relationship with other international agreements, which would replace also Article 5 paragraph 2.

Mr. President,

We reassure you our commitment with the ongoing negotiation process and we look forward to working even harder this week to strike an agreeable balance that would lead us to a successful conclusion of our work on Thursday.

Thank you.