STATEMENT BY CANADA
AT THE OPENING OF THE ARMS TRADE TREATY DIPLOMATIC CONFERENCE
JULY 2012

Mr. President:

Our gathering this month is an opportunity to develop what could be an important tool in global efforts to combat terrorism, organized crime and armed conflict. An effective Arms Trade Treaty would provide all of us with greater transparency and confidence that all efforts are being made to hinder the irresponsible trade in conventional weapons and the diversion of legitimately traded weapons for illicit uses.

Canada believes that at the heart of a future ATT will be the six criteria which would prohibit the transfer of weapons that: (1) breach UN Security Council sanctions; (2) contribute to serious violations of human rights; (3) contribute to serious violations of international humanitarian law; (4) provoke, prolong, or aggravate armed conflict; (5) support or facilitate terrorism; or (6) support or facilitate organized crime.

While acting on the need to hinder the irresponsible trade in conventional arms and their diversion to illicit end users or end uses, it is also important that the ATT recognize the legitimacy of the legal and responsible international trade in conventional weapons and that it respects the lawful ownership of firearms by responsible private citizens for personal and recreational uses, such as sport shooting, hunting and collecting. Canada believes that it is important for these two conditions to be explicitly recognized in the Preamble of an ATT in order to focus and strengthen the Treaty by clarifying its intent.

To that end, Canada proposes that the following two paragraphs be included in the Preamble of an Arms Trade Treaty:

\textit{Recognizing} that the purpose of the ATT is to prevent, combat and eradicate the illicit and irresponsible transfer of conventional arms and their diversion into the illicit market, including for use in transnational organized crime and terrorism;

\textit{Noting} that the ATT acknowledges and respects responsible and accountable trans-national use of firearms for recreational purposes, such as sport shooting, hunting and other similar forms of lawful activities, whose legitimacy is recognised by the State Parties.

The six key criteria outlined earlier, along with the categories of conventional weapons and international transactions, are the “what” of the Treaty. In order to apply these criteria, and achieve the ATT’s goals - the “how” of the Treaty - it is important that it recognizes and respects each State Party’s unique political culture and legal systems, as well as its specific administrative capacity. In this way each State Party can determine how best to fulfil its obligations under the Treaty within its own jurisdiction, based on its own unique circumstances. Canada believes that such national discretion in the application of each State Party’s obligations under the ATT will be a vital principle of the Treaty to ensure the flexibility and adaptability that will be necessary to achieve success in its application.
How then can State Parties be certain that a future ATT is being carried out and that other State Parties are fulfilling their obligations under the Treaty? Here, Mr. President, Canada believes in the importance of transparency and reporting as a way to promote confidence amongst States Party to the Treaty that its terms and criteria are being carried out.

Mr. President, in your draft paper of 14 July, 2011, you proposed that each State Party should submit an annual report on its international arms transfer activities as well as information on any new legislation or other measures that have been taken to regulate the international transfer of arms within the Treaty's domain. Canada believes that it can be through such annual reporting that State Parties can both gain and give confidence that obligations under the Treaty to prevent the illicit or irresponsible trade in conventional arms are being fulfilled.

Should we determine during our discussions in the coming days that additional reporting is needed, we must take care to ensure that any such additional commitments are designed with a view to being practical and realistic.

In Canada's view, detailed reporting about each and every transaction can, in certain circumstances, be both impractical and unrealistic. For example, for many large importing or exporting State Parties, who often transact thousands of transfers in any given year, it would be unrealistic to expect that they would be able to maintain or provide detailed information on each and every transaction, if for no other reason than the sheer volume of such transactions would overwhelm virtually any administrative system now in existence.

If we decide, during our forthcoming discussions, to institute some form of reporting on the level and nature of arms transfers undertaken by each State Party, due consideration must also be given to two limiting factors. First, concerns over national security could arise should the level of detail in the reporting of transfers become too prescriptive. However, we recognize that these very important concerns must be balanced with the transparency and confidence goals proposed in this treaty. An Arms Trade Treaty must not impede the inherent right of all States to individual and collective self-defence in accordance with Article 51 of the UN Charter, but does need to offer an effective tool to bring scrutiny to illicit transfers of conventional arms.

Second, due consideration must be given to issues of corporate confidentiality and personal privacy. In keeping with our common wish not to interfere with the legal, responsible international trade in arms, the information that State Parties would provide under the ATT should not compromise the legally-protected information of private companies or the personal information of private individuals.

Finally, should it be determined that an administrative unit will be needed to support State Parties in implementing and administering a future Arms Trade Treaty, Canada believes that such a unit should be minimal, small, and flexible and should be funded out of existing UN budgets. It should therefore be created out of existing UN resources and housed within existing UN institutions, with no additional financial commitments accruing to UN Member States. In this time of difficult financial constraints faced by many Member States, we should try to avoid, as much as possible, creating any new bureaucracies or taking on any new financial commitments.

Mr. President:
We are faced with a daunting task in the coming days. However, Canada believes that the goal of creating a global instrument to impede the illicit flow of arms to criminals, terrorists and human rights abusers is an important and timely one that, with good will and a common sense of purpose, we can attain.

Canada stresses the importance of the principle of national discretion and that the ATT should recognize the legitimacy of lawful ownership of firearms by responsible citizens for their personal and recreational use, including sport shooting, hunting and collecting. We stress that this should in no way result in any new burdens being placed on lawful firearms owners.

Thank you.