United Nations Conference on the Arms Trade Treaty
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Common Principles on the
Key Elements of the Arms Trade Treaty:
Statement on behalf of the Members
of the Pacific Islands Forum in New York

Statement by
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Check against delivery
I deliver this statement on behalf of the Pacific Islands Forum, which New Zealand currently chairs. Fourteen Members of the Forum are also Member States of the United Nations.

The Members of the Forum are committed to negotiating and concluding an Arms Trade Treaty (ATT) that will help deter and prevent illicit trafficking and proliferation of arms, including small arms and light weapons. The Forum has actively monitored progress towards an ATT.

Forum Members represent a broad diversity of countries in terms of size, geography, economies and cultures, but we speak with a unified voice to progress our joint aspiration that the Pacific region be “a region of peace, harmony, security and economic prosperity, a region whose people can all lead free and worthwhile lives.” This goal underpins the Forum’s agreement on the common principles which we see as key to a successful ATT.

The Pacific region has experienced its share of arms-related violence, insecurity and instability. The illegal use of small arms and light weapons continues to threaten stability and security within our communities, and has contributed to conflict and armed violence in a number of States. Small arms and light weapons continue to be used in the commission of criminal offences in the region and greatly raise the potential for increased violence in local disputes. Recent reports also highlight a number of arms trafficking cases, with seizures of firearms ranging from handguns to high powered assault rifles.

These experiences have strengthened the resolve of the Members of the Pacific Islands Forum to bring their support to the negotiation of an ATT. Our Leaders have supported the development of a common Forum position on the Treaty and I present this to you today. (The full text of our common position is available at the back of the room.)

Common position

Members of the Forum believe the July 2011 paper of the Preparatory Committee Chairman, Ambassador Moritan, has provided us with a very good basis for our negotiations.

Members of the Forum support the conclusion of an ATT which is broad in scope, and capable of comprehensively covering the full range of conventional weapons which are traded on the international market, including small arms and light weapons and ammunition. Components and technology specially designed or modified to manufacture conventional weapons should also be considered for inclusion.

Members of the Forum do not support proposals that arms for civilian use – such as sporting and hunting firearms – should be excluded from the scope of the Treaty, although they acknowledge that travel across borders with these weapons (in order to take part in sporting competitions or for other recreational purposes) should not be subject to the ATT’s rule regarding ‘transfers’. 
Members of the Forum support inclusion of the full range of activities involved in the international transfer of arms. It should not be a Treaty that only applies to exporting States, although these States should be its primary focus.

Members of the Forum support the conclusion of a Treaty that establishes base criteria and standards which all States engaged in international arms transfers should apply to exports and, where relevant and possible, to other activities. The criteria must be objective and transparent.

(a) We support the inclusion of an explicit obligation on States not to authorize a transfer if the transfer would violate international obligations or commitments, such as Security Council arms embargoes, as well as other arms embargoes and treaty obligations;

(b) We support the inclusion of an obligation on State Parties not to authorize a transfer of arms if there is a substantial risk that the transferred arms would be used in breach of international humanitarian law or international human rights law, in transnational criminal activities, or to undermine peace and security.

Members of the Forum recognize that the effectiveness of an ATT will be contingent on State Parties establishing and maintaining viable national systems for assessing, processing and authorising transfers of arms falling under the scope of the ATT, and in conformity with its criteria.

Implementation will present different challenges to different States by reason of the varying levels of national capacity and resources. Accordingly, the Forum stresses the importance of the ATT providing sufficient flexibility for States to implement the relevant legislative and administrative obligations in a way that takes account of national circumstances, including the extent and nature of their arms trading, their geographical location, and their capacity and technological infrastructure. The obligations of the ATT should be clear and unambiguous and able to be implemented by all States.

Members of the Forum believe that all States involved in the transfer of arms have responsibilities to ensure that arms transfers are responsible and transparent. However, States’ obligations should depend on their respective role in the transfer chain.

(a) Exporting States should have the primary responsibility to assess arms transfers and authorize transfers only where these have been assessed against the Treaty’s criteria and meet those parameters;

(b) Importing States should take measures to ensure that imports are not illegally diverted;

(c) Transit and transhipment States’ responsibilities to help curb or deter the risk of diversion and to ensure transparency should be on a risk assessment basis. For example, transit and transhipment States should monitor and control arms transfers
only when they receive information, or have cause to suspect, that a shipment on their territory may be diverted to the illicit market or to an unintended user. These responsibilities must be carefully tailored so as to avoid the creation of obligations which are unduly onerous on transit and transhipment States - particularly Small Island Developing States - and which would, in any event, be likely to prove beyond their capacity to implement.

Members of the Forum recognise the crucial importance of international cooperation in achieving the goals and objectives of the Treaty. The inclusion of provisions promoting international cooperation between States, particularly the exchange of information regarding implementation of the Treaty, will be critical in facilitating measures to prevent and detect irresponsible arms transfers.

For the majority of Members of the Pacific Islands Forum, effective national implementation of the ATT will be contingent on the availability of technical assistance from the broader international community. It is important that the ATT provide a comprehensive framework for international cooperation and assistance which:

- enables States to request and receive implementation assistance; and
- An Implementation Support Unit should be established with a strong role as a clearing house for implementation assistance, matching needs with available resources and ensuring coordination in the provision of technical assistance.

Members of the Forum support the inclusion of mandatory reporting requirements for States Parties under the Treaty. However, burdensome requirements should be avoided (recalling in particular the resource constraints faced by Small Island Developing States). Members of the Forum urge States to give full consideration to best practice reporting mechanisms, such as common templates, nil reports, update-only reports, and regionally based reporting.

In conclusion, Forum Members congratulate Ambassador Roberto Garcia Moritan on his assumption of the Presidency of this very important Conference and encourage all States to work towards a successful outcome.