STATEMENT

by

Mr Eden Charles
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at the

Third Preparatory Committee for the United Nations
Conference on the Arms Trade Treaty

on

“Implementation”

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United Nations Headquarters
New York
Monday 11 July 2011
Mr Chairman,

Trinidad and Tobago wishes to join previous speakers in welcoming you back as Chair of the Preparatory Meeting.

We also wish to align with the statement delivered by the representative of Barbados on behalf of the Caribbean Community ("CARICOM") as well as the statement to be delivered by Mexico on behalf of the group of like-minded States.

Mr Chairman,

Your informal non-papers represent a good faith attempt at building bridges of the various views and opinions expressed by Members of the Preparatory Committee ("PrepCom") on questions relating to Implementation and Final Provisions. At this juncture, however, we wish to make a few remarks on the issue of Implementation of the Arms Trade Treaty ("ATT"). Matters relating to final provisions will be addressed at a later stage.

Trinidad and Tobago is of the view that the PrepCom should strive for as robust an implementation regime as possible. In this regard, we must seek to improve on what is provided for in non-legally binding instruments such as the Programme of Action on Small Arms and Light Weapons ("SALW") and the United Nations Register on Conventional Arms ("UNROCA"). This is necessary in order for the ATT to effectively regulate the trade in conventional weapons; reduce the incidents of diversion to the illicit market and also tackle the consequential effects of the illegal trade, such as armed conflict, insurgency and armed violence, including gender-based violence, in different regions of the world.

As is provided for in other treaties, such as the Chemical Weapons Convention, effective implementation at the national level could only be achieved through provisions requiring States Parties to enact the required domestic legislative and administrative measures to give effect to the provisions of the ATT. Nevertheless, Trinidad and Tobago is conscious that there should also be mechanisms in the treaty to provide for implementation at the international level.

Mr Chairman,

We take note of the inclusion in your informal paper of the Implementation Support Unit ("ISU"). This unit or secretariat should perform all of the functions, which are broadly stated in paragraph 2, Section E of the Informal Paper. We, however, see an expanded role for the Secretariat. This body, funded by States Parties, must be independent and established in such a manner so that States Parties could consult, cooperate, communicate, request and receive assistance from other States Parties and relevant international and regional organizations upon request. This would assist in facilitating compliance with provisions of the treaty and by extension, its effective implementation.
Mr Chairman,

Trinidad and Tobago is also satisfied that the Secretariat or Unit would also serve as the repository for annual reports submitted by States Parties on the implementation of treaty obligations. You will recall, Mr Chairman, that on previous occasions, we advanced that such a body should also be tasked with the responsibility for verification of information received from States Parties. If the process of verification remains the sole responsibility of States Parties with no independent checks and balances, it would be difficult to determine whether a State Party has acted inconsistently with its obligations under the Treaty.

While we agree with your inclusion of the need for the promotion of international cooperation in the instrument, this area should be amplified. In Trinidad and Tobago’s view, a treaty allows for the sharing by all States Parties of the burdens and benefits, which flow from the instrument. Through an effective regime in the ATT, all States Parties whether importer, exporter or those involved in transit, irrespective of size and geographic location, would be able to benefit through collaboration in order to fully realize the object and purpose of the treaty. The transnational nature of the challenge, which the ATT is intended to address, imposes upon all States Parties a duty to cooperate. In our view, it is imperative that States Parties consult and cooperate with each other to facilitate compliance with the provisions of the Treaty and its effective implementation. Such cooperation could also be achieved through the conclusion by States Parties of mutual legal assistance agreements aimed at the successful investigation, prosecution and trial of offences in violation of the ATT.

Mr Chairman,

The ATT must provide for efficient means for the enforcement of its provisions. Trinidad and Tobago, therefore, supports the criminalization of conduct that is contrary to the objectives of the treaty. These measures must be entrenched in domestic law. Consequently, States should penalize, for example, illicit brokering activities as well as the transfer of arms from any location under its jurisdiction and control. Trinidad and Tobago, therefore, welcomes the assertion in your Paper that States Parties shall establish effective penalties or other appropriate measures for violations of the treaty by any entity under its jurisdiction and control.

In closing, Mr Chairman, Trinidad and Tobago acknowledges that as we approach the United Nations Conference of the Arms Trade Treaty in 2012, compromises will have to be made in an effort to obtain the support of Member States for the conclusion of the ATT. We do not agree, however, that in the interest of achieving consensus, we must lose sight of the need for the elaboration of an instrument that is strong, well balanced and one which addresses the concerns of all States that are affected negatively by the lack of a comprehensive instrument to regulate the trade in conventional arms, including small arms and light weapons and ammunition.