STATEMENT

BY

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TO THE

3RD PREPARATORY COMMITTEE MEETING

FOR THE ARMS TRADE TREATY

10 – 15 JULY 2011

NEW YORK

Check against Delivery
THE REPUBLIC OF ZIMBABWE’S PROPOSED POSITION ON THE CONTINUING, NEGOTIATIONS AT THE PREPARATORY COMMITTEE MEETING FOR THE ARMS TRADE TREATY. 10—15 JULY 2011

1. Zimbabwe supports and identifies with the statement made by the distinguished representative of Nigeria on behalf of the AU.

2. Zimbabwe shares the noble idea of an ARMS TRADE TREATY (ATT) whose goal is that of setting up of a clear legal framework which will regulate Trade in Small Arms and Light Weapons (SALW) to among other things, ensure that such SALW do not fall into irresponsible hands, of NON STATE ACTORS who are prone to use such deadly arms, for illegal purposes such as armed violence, killing of innocent and unarmed civilians as well as unlawful and forced removals of legitimate Governments.

3. Zimbabwe believes that as we discuss the issues of IMPLEMENTATION, NATIONAL AUTHORITY AND SYSTEMS, TRANSFER, DENIALS, RECORD KEEPING AND TRANSPARENCY, ENFORCEMENT and INFORMATION EXCHANGE, underlying stated principles as outlined in the draft, the goals and objectives of this proposed Treaty remain as our guiding principles in the next phase of our deliberations.

4. It is crucially important that the purpose, goals and objectives of the proposed treaty remain clear and are stated and restated in no uncertain, unambiguous and transparent terms so that everyone is clear as to what the proposed Treaty is intended to serve and what it is not intended to achieve. To this end linkages to concepts such as human rights which are in the selves abstract and which do not have universal consensus in their meaning as well as interpretation can only serve to bring uncertainty as to what the actual purposes and goals of this proposed treaty are.

5. Zimbabwe believes in a Treaty that is fair, practical, implementable and that does not impinge on the rights of States to self defence in keeping with the relevant provisions of the United Nations Charter in particular Article 51 thereof.

6. The proposed Treaty should uphold the right of every State to enjoy unrestricted right to arm themselves and engage in arms trade, conventional or otherwise, without unnecessary encumbrances being brought to bear upon them at the instance of any other state big or small.

7. The proposed Treaty should not in any way seek to restrict States from carrying out Trade among themselves for purposes of self defence as determined by themselves, neither should the Treaty be used as an instrument to victimize, or punish other States.

8. It should not contain ambiguous language that could lead to different interpretations by States in as far as its real purpose and intentions are, such that it could be capable of being used as an instrument to, among other things, interfere with the internal affairs of other States or to deny States from arming themselves and in the process weaken and bring about regime change.

9. If anything, the proposed Treaty should be one that seeks to consolidate States and prevent the transfer of arms into the hands of rebels and or some such other groups that seek to destabilize and or
unconstitutionally remove legitimate elected governments. Above all the overriding principle should be that of the promotion and sustenance of international peace.

10. The above are cardinal principles that should guide our deliberations as we go in to the next phase of our negotiations. The Republic of Zimbabwe will not support the inclusion of any principle, provision, proposal or formulation that she considers or deems to be inconsistent with the above mentioned objectives and purposes of the proposed Treaty.

11. To this end we will therefore be proposing the inclusion into the body of the proposed Treaty, of formulations, proposals, principles or provisions that we consider necessary to buttress the above mentioned agreed purposes and objectives of the proposed Treaty.

12. In the same vein she will seek to propose and urge the removal of any formulations, proposals, principles or provisions that will be deemed to be inconsistent with the achievement of the above-mentioned objectives or that we will interpret in any way as having the potential to weaken or dilute the effectiveness of the proposed Treaty in its intentions and objectives as stated and agreed upon.

OUR PROPOSED POSITION ON THE VARIOUS PROPOSALS AS CONTAINED IN THE CHAIR’S NON PAPER ARE AS FOLLOWS;

IMPLEMENTATION

13. Member States will be required to take the necessary legislative and administrative measures to adapt as necessary, national laws and regulations to implement the obligations of the Treaty.

Comment

14. Such will inter alia, entail the need to pass an Act to bring into effect the provisions of the proposed Treaty, such as we have for instance, done with the other Treaties that we have adopted, signed or acceded to.

15. It will be essential to establish a national contact point such as we have for the other Treaties that we have signed such as the Chemical Weapons Convention or the Anti-Personnel Mines.

NATIONAL AUTHORITY AND SYSTEMS

16. This proposed provision will require that States establish national systems for the general control and licensing of the subject of the Treaty.

Comment.

17. Zimbabwe already has in existence administrative structures under the control of the Zimbabwe Republic Police, the Officer Commanding CID being the Registrar of all SALW.

18. With respect to sub article 4 we do not see how a State can after exporting Arms ‘guarantee’ that Arms that are no longer under its jurisdiction and physical control are not diverted to the illicit market or unintended user.
19. Unless there is a plausible explanation as to how this can be achieved we will recommend its deletion for reasons of lack of practical application.

20. In any case this would be more applicable to manufacturers of such SALW unless it's a case of transit or re-exportation of such SALW.

IMPORTS

21. This section requires importers to among other things take steps to ensure that the SALW imported into its territory are registered and traceable so as to ensure that they are not diverted to unintended recipients of the same

Comment.

22. To a large extent Zimbabwe is already doing this and has recently acquired capability to mark weapons and has in place arms registers for most arms that have been legitimately brought into its territory.

TRANSIT

23. This section seeks to place an obligation upon States through whose territories such SALW may need to pass to

> record such arms transfers and ensure that such are accompanied by details of authorization issued in accordance with the Treaty.

> inspect or seize shipments that are being transferred in violation of the Treaty

Comment

24. This is likely to be problematic given the need to maintain confidentiality and secrecy by States as regards issues of their national defence programmes. What guarantees are there that will ensure that information required to be provided in terms of this provision will not be used to the detriment of the State whose details of such purchases would have been divulged.

25. Again the idea of granting a Third party access to shipments destined for another party particularly if it a State goes against national security considerations and the need to maintain secrecy for security reasons. This provision compromises national security of the State whose shipments will be required to be subjected to inspection, particularly those States which rely on conventional weapons for their defence capability.

26. The idea of permitting another State to seize shipments meant for another party on account of a suspicion that such shipments could be in the process of being transferred in violation of the Treaty may be subject of abuse and could be used to punish States in particular those that are landlocked.

TRANSFER DENIALS.
26. This section requires States that would be involved in a denied transfer of SALW to distribute denial notices to other member States giving all details of descriptions of the shipments etc. It also requires States to keep such notifications confidential and not to use it for commercial purposes.

Comment

27. This provision should not be peremptory but voluntary again for reasons of confidentiality given the nature of the commodity that we are dealing with.

RECORD KEEPING, REPORTING AND TRANSPARENCY

28. This section requires all States through whose territory shipments pass to maintain records of all denials, arms authorizations or transfers and that, such records should contain information such as quantities, model/ types of arms involved. It also requires the States concerned, to annually submit all such information to the Implementation Support Unit.

COMMENT

29. This provision is intrusive and has a potential to compromise national security of importing States particularly the landlocked ones. It may be used to monitor other States’ rearmament and self defence programmes. As it is we do not find this provision acceptable for the above mentioned reasons.

INFORMATION EXCHANGE

30. This provision is generally fine as long as the information envisaged does not include any information considered confidential or potentially prejudicial to national security. We will propose a proviso to that effect in this particular clause.

ENFORCEMENT

31. This provision requires State Parties to take all the necessary measures such as the adoption of the necessary legislation to domesticate the provisions of the Treaty within its jurisdiction so as to give effect to its provisions.

Comment

32. We have no qualms against this particular provision for it is a general provision found in Treaties of this nature except that this should remain the domain of States Parties themselves.

BROCKERING AND CORRUPTION

33. This provision requires all States to criminalize and control brokering activities in relation to SALW by its nationals within its territory or by its citizens ‘regardless of their location’.

Comment.
34. We have no issues with the first part but the provision seeks to grant extra territorial jurisdiction to states in the event of its nationals committing offences envisaged by this Treaty while outside that particular territory's jurisdiction. This may not be practical and should be amended and modified to the extent that it is impractical.

LAW ENFORCEMENT AND COOPERATION/MUTUAL LEGAL ASSISTANCE

35. These provisions are standard, and are normally found in Treaties of this sort.

IMPLEMENTATION SUPPORT UNIT

36. The Treaty proposes the setting up of an Implementation Support Unit to support and assist State parties in the implementation of the Treaty.

Comment

37. Again this is a practical step in the circumstances particularly given that some States may not have the capacity to implement the provisions of the proposed Treaty.

38. The concerns we have in regard to the proposal is that it is to this body that States will be required to disclose all information regarding movement of SALW which raises issues relating to confidentiality of information and national security concerns. There is a need for clarity on the composition as well the funding of the proposed Implementation Support Unit. It is our submission that such a body should remain independent and funded by the UN as opposed to funding by particular States which may have the effect of compromising its independence and objectivity.