Intervención de Costa Rica sobre “Disposiciones Finales”

“Tercer Comité Preparatorio de la Conferencia de las Naciones Unidas para el Tratado sobre el Comercio de Armas”

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Statement of Costa Rica on “Final Provisions”


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(Cotejar con la alocución – Check against delivery)
Mr. Chairman,

Thank you for permitting my delegation to once again take the floor in order to comment on your most recent paper. My delegation would like to express its appreciation for the extraordinary work that you have done in facilitating an open and comprehensive discussion of how to address the many challenges implicit in creating a rigorous, legally binding, and verifiable Arms Trade Treaty.

That said, before moving to specific aspects of your paper, my delegation wishes to offer a few brief reflections with regards to the concerns expressed by some States as to the objective of the Arms Trade Treaty. For Costa Rica, the treaty that we seek to create is not only a goal in and of itself, but is also a means to an important end: to rectify the reality recognized in Resolution 61/89 that “the absence of common international standards on the import, export and transfer of conventional arms is a contributory factor to conflict, the displacement of people, crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability and sustainable development...”.

My delegation also recognizes, however, that this goal cannot be attained by creating a treaty that pretends to be “one-size-fits all”, attempting to address each and every one of the many interconnected forces that affect human security in today's world. Indeed the ATT that will be most beneficial to human security is one that neither seeks to be something that it is not (i.e. a banning or disarmament Treaty), nor loses sight of its noble objectives, but reconciles both aspiration and feasibility within a broad scope and strong, legally binding criteria for the assessment of international transfers, to be applied on a transparent and case-by-case basis.

Obviously such an instrument will not, on its own, immediately extinguish the many armed conflicts and other situations of violence around the world. But it can, if done right, significantly reduce the flow of weapons that fuel those conflicts, incinerating opportunities for human and economic development.

In that regard, my delegation insists that the goal of effectively regulating the international arms trade and that of reducing human suffering do not require separate treaties or mandates, but simply a strong and - most importantly - universally implementable and verifiable ATT.

Mr. Chairman, on that basis my delegation wishes to offer a few observations regarding your paper, prefaced by our overall satisfaction with its contents.

With respect to your articulation of the Preamble, Principles, and Goals and Objectives of the treaty, we note with satisfaction the specific recognition of the goal of preventing those arms transfers that would gravely undermine sustainable social and economic development, as stated in Roman III, Line 4.

As regards Section IV on “Scope”, we are pleased to note that Small Arms and Light Weapons have been included, as well as all conventional weapons’ ammunitions. However, we would agree with the Swedish delegation that the term “munitions” should be included along with ammunition under category “1 - j”. Furthermore, my delegation supports the observation made by Mexico and others that no exceptions should be made for antique, sporting or hunting arms, and would also discourage any distinctions between “civilian” versus “military” weapons.

With respect to the transactions listed in part 2 of the section on “Scope”, my delegation agrees with the activities included in Annex A as well as the definitions you have offered for these terms,

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1 A/RES/61/89. 2006.
although we would suggest that the contents of the Annex be moved into the body of the text in replacement of the current list, to provide greater clarity.

Mr. Chairman, my delegation wishes to express its satisfaction with your structuring of Section V on "Criteria", noting in particular that you have taken into account its request that the risk of corruption be part of national authorities' evaluations of the risk of diversion. However, we wish to stress the importance of ensuring that all States Parties shall evaluate all transfers against the treaty criteria, not only in the case of exports as seems to be implied in the chapeau for Section V.

Also relating to "Criteria", my delegation supports the proposal of Trinidad & Tobago and other States that in point B – 6, referring to the prevention of transfers of conventional arms where there is a substantial risk that those would be diverted to unauthorized end users, specific reference should also be made to preventing diversion to non-state actors.

Before concluding, my delegation would like to offer a few additional observations regarding the matters of "Implementation" and "Final Provisions", beginning with our appreciation of the technical presentation made by Mr. Daniel Prins on behalf of UNODA, which offered useful insight as to the models available to support the treaty’s implementation.

Although my delegation recognizes that decisions regarding a support unit must ultimately be made by the group as a whole at a later stage of negotiations, Costa Rica considers that the ATT would be best served by an "Implementation Unit" with a level of independence sufficient to fulfill a broad mandate of key functions including, but not limited to: assisting States in fulfilling their reporting obligations, identifying areas where additional support is needed to strengthen national control systems in accordance with the Treaty’s provisions and facilitating cooperation and assistance including information exchange and capacity building. We are pleased to note that most of these responsibilities have been included in your paper, and support the proposal that additional functions of such a unit may be decided by the Assembly of States’ Parties.

Costa Rica affirms that the development of an "Implementation Unit" for the ATT should be governed by the principles of efficiency and cost-effectiveness. However, at the same time, my delegation would also urge our fellow States to bear in mind that this unit’s value will ultimately not be determined just by its size or the amount of resources it requires, but first and foremost by its ability to effectively serve the needs of the States Parties to the ATT.

Similarly, while we concur with those who have expressed the need for simplicity with respect to reporting under the ATT in order to avoid reporting fatigue, Costa Rica urges that simplicity must not come at the expense of the comprehensiveness of national reports, whose fundamental purpose is to foster transparency and build confidence among States Parties. In this regard, "Cooperation and Assistance" have an important role to play in ensuring that all States Parties have access to the resources necessary to fulfill their reporting responsibilities.

Mr. Chairman,

That the Arms Trade Treaty must avoid discrimination in the application of its provisions is a matter that has been featured prominently in our discussions to date. In this regard, my delegation would urge that those same principles of equality and universality be applied to the Treaty’s "Entry Into Force", which should not privilege any one country or group of countries but rather depend upon ratification by a number of States high enough to guarantee the Treaty’s viability, without being so high as to be prohibitive, number which we believe should consist of at least 30 States.

Mr. Chairman, thank you very much for your consideration, and for your continued efforts in guiding this important dialogue.