STATEMENT

by

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on behalf of CARICOM

at the Fourth Preparatory Committee for the United Nations Conference on the Arms Trade Treaty

on

Substantive Elements of the future ATT

United Nations Headquarters

February 15, 2012
Mr. Chairman

I make this intervention on behalf of the fourteen Member States of the Caribbean Community (CARICOM).

CARICOM remains steadfast in its commitment to achieving a strong, effective, implementable, non-discriminatory and legally binding Arms Trade Treaty (“ATT”).

We base our commitment for such an ATT on the basic premise that by establishing commonly agreed standards, rules and guidelines governing the transfer of conventional weapons, including small arms and light weapons, and their ammunition, the international community would reduce and indeed eventually eliminate the diversion of these weapons that cause tremendous suffering to populations worldwide, on a daily basis, including within our own region.

CARICOM does not view the ATT as a universal remedy but rather as a vital component of global efforts to buttress existing regional and sub-regional initiatives; as well as multilateral instruments that aim to curb the proliferation of this category of weapons and prevent them from falling into the hands of those who use them to commit heinous crimes against civilian populations. This includes armed violence, armed conflict and terrorism.

Mr. Chairman

Agenda item four provides us with an opportunity to underscore a number of key principles that we have outlined in previous preparatory sessions. As such, we will not go into detail:

1. CARICOM supports the conclusion of a legally-binding, robust, effective and non-discriminatory Treaty that will set the highest possible international standards governing the transfer of conventional weapons, including small arms and light weapons, and the ammunition for these weapons.

2. CARICOM supports the goals and objectives of the ATT outlined in your text of July 2011 and remains convinced that one of the key aims of the ATT should be the prevention of the diversion of these weapons to the illicit market, through the establishment of adequate controls.

3. The criteria to be applied in assessing transfers should be objective and transparent. We emphasize that the Treaty should cover all activities involved in the transfer of conventional weapons, including, import, export, transfer, and transshipment.
4. We adhere to the position that the Treaty must not be inconsistent with existing international legal obligations flowing from the United Nation Charter, international human rights law and international humanitarian law. We also support the argument that the Treaty should not infringe on the right of self-defense of any State.

**On the Implementation Aspects of the Treaty:**

5. Reporting obligations under the ATT should be mandatory, and provisions should be made for the ATT Secretariat to serve as more than a ‘post office’ to receive the reports of States Parties to the Treaty. Reporting should be a meaningful exercise, and we therefore support a role for the Secretariat in verifying compliance with the provisions of the instrument.

6. The ATT should make provisions requiring a State party to establish or designate a National Authority to liaise with the Secretariat on the implementation of the Treaty at the national level.

7. At the same time however, given the already heavy reporting obligations on Member States, the reporting requirement should not be overly burdensome.

8. International cooperation and assistance should be a key component of this Treaty as it would assist States with capacity and legislative challenges to meet their obligations under the ATT. We believe that an effective ATT should provide the framework for cooperation and assistance among the relevant stakeholders such as law enforcement, customs and border controls at the bilateral, regional and multilateral levels. Enhanced sharing of information and intelligence among States Parties are therefore critical in Treaty implementation. The sharing of best practices is also a crucial component of an information-sharing regime. We believe that the Secretariat should play a key role in facilitating the provision of international assistance to States Parties that request such assistance.

9. CARICOM reiterates that the Secretariat should be independent and properly resourced in order to discharge its mandate.

**Regarding the Final Provisions:**

10. We support the annual/biennial convening of Meetings of States Parties and the convening of Review Conferences every five years. These Review Conferences should undertake an assessment of the implementation of the Treaty and devise programmes to strengthen implementation where necessary. Such conferences should also consider any possible amendments to the ATT.

11. The ATT must be a living document. As such, CARICOM continues to maintain that a crucial element of the strength and effectiveness of the Treaty will be the ability of the States Parties to update items included in the Treaty’s scope in keeping with future technological changes.
12. We see merit in the establishment of a dispute resolution mechanism to address differences among States Parties concerning the interpretation and application of the provisions of the Treaty.

13. Reservations that are incompatible with the object and purpose of the ATT should not be permitted.

14. CARICOM reiterates its position regarding the provisions on entry into force. The Treaty’s entry into force should not depend on any particular group of States, but should be based on an entry into force by an established number of States Parties. For CARICOM ideally, this could be between 30 and 60 parties to the Treaty.

In our intervention on Monday, we indicated that while your draft Rules of Procedure is silent on the issue, we wish to underscore the importance of agreeing to a document, which would serve as a platform for our negotiations in July. Consequently, we restate our firm position that the your text of 14 July 2011, although not in Treaty language, represents divergent views and opinions on substantive matters put forward by delegations covering all meetings of the Preparatory Committee. CARICOM submits that this document should form the basis of our work in July. If there is agreement on this subject, we would be able to save time and conclude our business in the limited time frame set aside for the negotiation and adoption of the ATT.

Mr. Chairman

CARICOM applauds your efforts in attempting to resolve issues concerning differences over the Draft Rules of Procedure. We would like to see a more balanced approach to decision-making for the adoption of final text of the treaty. We are ever conscious that those who do not subscribe to a strong treaty could interpret the word “consensus” very restrictively. For CARICOM, consensus does not mean unanimity or the conferment of the power of veto on any State or States, which could effectively block the adoption of a text, which finds favour with an overwhelming majority of representatives. We therefore join Mexico in continuing to advocate for a revision of Rule 33 (3) and Rule 35 (1) to provide for a two-thirds majority vote if all attempts at consensus fail.

In closing Mr. Chairman, you can be assured of CARICOM’s continued commitment to work with you and all delegations, including civil society, in our quest to craft an instrument which would contribute to an enhancement of the rule of law, peace and security at the national regional and global levels.