Presentations by the Representatives of the Control Arms Coalition

Arms Trade Treaty Prep Com

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Heading into the July Conference, Critical Decisions This Week

Mr. Chairman, distinguished delegates, colleagues, it is my pleasure and honor to address this Committee on behalf of Control Arms, the global coalition of nongovernmental organizations seeking an Arms Trade Treaty that would save and protect lives and livelihoods. We remain committed to working with you here, in New York, back in your capitals, and elsewhere, as we roll up our sleeves heading into the July conference.

While my comments are primarily directed to the global ATT effort, as a US citizen, I would like to briefly address the previous speaker and topics that are driven primarily by domestic messengers. Although Resolution 64/48 authorizing these efforts explicitly acknowledges “the right of States to regulate internal transfers of arms and national ownership, including through national constitutional protections on private ownership, exclusively within their territory,” we frequently hear the claim that the treaty would interfere with US gun ownership, in particular those based on the Second Amendment. Such arguments are factually bankrupt and morally indefensible. Vigorously shouted claims that the ATT is a way to “take away their guns” is as accurate as saying that those opposing the treaty wish to “intentionally arm terrorists to kill US soldiers.” Please, let us stop this nonsense and talk about the actual treaty effort upon which we are all engaged.

As delegations debate rules of procedure this week, it could be tempting to treat these issues as lesser than the essential issues of substance that must be part of a robust ATT. However, while process is an instrument to deliver objectives, effective rules of procedure are crucial to the negotiating conference’s ability to fulfill its mandate: “to achieve a strong and robust treaty”. Missteps now will make a “robust ATT” practically impossible to achieve in July. As such, there are a few debates this week in which an effective solution is critical, and to which civil society would like to share some thoughts.
Foremost among these is probably the debate over the concept of “consensus”. While clearly there is no consensus on consensus, it is fair to say that a vast majority of countries have supported variations of the decision-making procedure that are in line with UN precedent, General Assembly practice, and an understanding that consensus most definitely does not mean “absolute unanimity”. Rather, consensus is usually understood in the context of multilateral treaties as the absence of a stated objection. If a strong ATT is to emerge and the General Assembly mandate respected, States must resist an interpretation of consensus that gives any single state the power to veto the treaty, holding the process hostage during the course of negotiations. Veto power for individual countries has had tragic humanitarian consequences earlier this month in a body with 15 members – imagine the pitfalls in a body of 193 members. The priorities of the overwhelming majority of countries – and their citizens – must be protected from the callous humanitarian indifference of the very few.

In practice, use of the majority voting option is not automatic and is a last resort. It does not alleviate the burden on the Conference to take decisions on the basis of consensus. The concern with the use of strict consensus decision-making without a voting option is that, while it encourages universal support, it can also serve to prevent progress in treaty negotiations. On this topic, it is worth recalling the overwhelming 153 governments who voted in favor of the ATT resolution.

Another much debated issue has been NGO participation and access in the negotiating conference. We also strongly agree with the view regarding item 57 expounded by several countries which simply changes the default language so that all meetings and bodies of the conference are open “unless the Conference decides otherwise”. This still of course allows Member States to close all meetings if they wish, but puts the emphasis on openness rather than closure. Governments can rest assured that civil society has no desire to monitor budgetary or bureau deliberations, but rather meetings in which the substance of the ATT is discussed. We were grateful to note the overwhelming support for a change on item 63(d),
allowing several opportunities for civil society to share its perspective during the July conference.

Thus, the ATT Conference must faithfully follow the “open and transparent” prescription from the 2009 General Assembly resolution, and allow full participation of those that have been constructive partners for years but whose demands are not guided by national interests. Allowing civil society as observers in all sessions of the negotiating Conference will ensure the legitimacy and transparency of the future ATT, bringing both technical expertise and the views from those affected by irresponsible arms transfers. NGOs provide information in a timely fashion to those states which need it, particularly those smaller nations that lack capacity to track a negotiation across multiple sub-committees operating in parallel for a month.

Civil society is also a partner in this venture for the long haul and stands ready to play a vital role in ensuring the implementation of a humanitarian-based treaty. Decisions made without this voice, behind closed doors, will leave any future ATT without a solid, informed and accountable foundation, reducing its legitimacy and efficacy to control the global trade in arms.

Another essential outcome for this week is to ensure that years of efforts are not wasted on the eve of the conference. ATT negotiations will be immensely difficult, and the time available (barely 20 days) is quite short considering the magnitude of the task. As such, it is essential that the international community does not squander the enormous efforts expended since 2006 – and make good use, as a basis for negotiations, of the “Chairman’s paper” of July 2011. This document, while imperfect, offers a comprehensive cornerstone available to build a robust ATT upon. The international community cannot afford reverting to a clean slate.

For the final Treaty it is important to include all conventional military equipment, including all weapons and their ammunition, as well as weapons and munitions for
internal security equipment, and all transfers, not only exports. Furthermore, to make sure the ATT is being effective, mandatory and comprehensive provisions for record keeping and transparency obligations must be adopted, with annual national reports made public to allow civil society to monitor implementation.

Finally, regarding the draft Preparatory Committee report circulated this morning, we have primarily a comment about tone. Item 20, regarding the chair's paper, suggests that nothing has been agreed. Rather, civil society considers it obvious that the overwhelming majority of countries agree that in fact there is agreement on the “overall need for an Arms Trade Treaty”.

Mr. Chairman, distinguished delegates, colleagues,

These rules of procedure and reports have very dramatic backdrops in the outside world – the very realities they must allow the ATT to help transform. In October 2011, Amnesty International published a report, “Arms Transfers to the Middle East and North Africa: Lessons for an effective Arms Trade Treaty” which showed some of the arms suppliers to Syria included France, Italy and the Russian Federation. The report contains details of how many of the world’s largest arms suppliers, including from the European Union and the United States, poured conventional arms into the region before the Arab Spring, prolonging the repression and making the violence more severe. Later, data obtained by Amnesty showed that the US repeatedly transferred crowd control ammunition to Egypt despite security forces' violent crackdown on protesters. Other information now emerging through media sources indicate that the United Kingdom continued to arm forces in Bahrain despite concerns about that government’s repressive actions, and that the United States is currently seeking to send arms to the country without providing sufficient detail to confirm claims that such arms cannot be used irresponsibly. These cases highlight the failure of important arms supplier States to make truly responsible decisions on arms transfers that avoid contributing to serious violations
of international human rights and humanitarian law that can be foreseen in so many cases as highly likely.

More recently, in the beginning of February, the international community watched in disbelief and complete impotence as officials confirmed a transfer of arms to Syria, a regime in the midst of killing thousands of its own people. Transfers were also made to opposition groups, fuelling the conflict from both sides. Incredibly, the enforcement of this seemingly obvious restraint was not achieved by the Security Council, nor the UN in general, after the overwhelming majority of countries strived in vain for an agreement to stop the bloodshed, ultimately unable to influence an appalling unilateral decision. That recent deadlock, and the ongoing massacre it has allowed, clearly proves the urgency and necessity for a robust ATT. An effective ATT would choke off supplies of arms to such conflicts, providing a space to achieve political resolution and preventing mass civilian suffering.

As an official from the arms exporting nation in this case reportedly put it, “we are not violating any international obligations”. It is time to change that – and make such immoral deals illegal. The rules of procedure emerging from this week must be the cornerstone toward reaching this objective.
Dr. Omolade Oladejo, International Physicians for the Prevention of Nuclear War
The Humanitarian Imperative of the ATT

Good afternoon, thank you for the privilege of speaking on behalf of the Control Arms coalition, as a representative of the International Physicians for the Prevention of Nuclear War (IPPNW). My name is Dr. Omolade Oladejo, a medical officer with the Nigerian Ministry of Defense in Abuja. My work revolves around the health consequences of armed violence, and we are here to ensure that the ATT is recognized for its humanitarian objectives, much beyond simply a technical trade document. Regulating the trade of arms cannot be an end in itself, but rather an effective means to reach essential human security objectives.

Among its nine recommendations for action, the World Health Organization’s World Report on Violence and Health specifically calls on the international community to “seek [a] practical, internationally agreed upon response to... the global arms trade.” As a physician who treats both civilians and military personnel, I would like to help put a human face on this problem, clearly illustrating the need for a strong ATT. To me, this is very personal. Just last year, I was one of the first responders to the bombing of the United Nations Headquarters in Abuja, Nigeria. When I arrived, I saw bodies and body parts everywhere. It took all the medical resources of the region to respond to this tragedy.

National and international investment in combatting armed violence diverts monetary and human capital from health care and other vital human needs. From a development perspective, armed violence has shrunk national economies in Africa by a staggering 15 percent. In my home country of Nigeria, the average per capita health expenditure is $69 per year. By contrast, treatment for a recent case, a man injured by armed violence cost $460 just for the first two weeks in hospital, with many more weeks of medical care ahead of him and then untold months or years of additional rehabilitation for the emotional and psychological trauma. This is but one example of the devastating costs of armed violence.
IPPNW hospital-based research in El Salvador on the costs of gun violence in one hospital showed that care for gunshot victims consumed nearly 11% of the hospital’s annual budget. In Nairobi, Kenya, medical care to repair a boy’s jaw shattered by a gunshot cost the equivalent of immunizations for 250 children. And the medical costs to treat a young girl in Nepal hit by a stray bullet was the equivalent of 3.5 years of her father’s salary, or enough to equip an entire health center in her village. Still, cases like this illustrate only direct health care costs but do not include the immeasurable socio-economic costs of armed violence.

A strong ATT has the potential of helping to reduce the diversion of resources from vital social services such as public health and social development that currently flows to arms management, security, defense and fighting criminality. A strong ATT is inherently a humanitarian treaty, as arms are the only commodity specifically designed to maim and kill.

It must be based on states’ legal obligations and other responsibilities. States must ensure no transfer is permitted if there is substantial risk that it will be used to violate UN Charter obligations, including UN arms embargoes, or that it is likely to be diverted from its approved destination. It should also prevent a transfer where there is a substantial risk that it might be used in serious violations of international human rights or humanitarian law, to commit acts of genocide or crimes against humanity, to facilitate terrorist attacks or to facilitate a pattern of gender-based violence, violent crime or organised crime. Mr Chairman, in order to meet the security needs of people and communities across the world, the treaty must also prevent transfers which might adversely affect regional security; to seriously impair poverty reduction or socioeconomic development, as well as corrupt practices.

The treaty must be all inclusive. It must include all weapons – including all military, security and police arms, related equipment and ammunition, components, expertise and production equipment. It must include all types of transfer – including
import, export, re-export, temporary transfer and transhipment, in the state-sanctioned and commercial trade, plus transfers of technology, loans, gifts and aid. And it must include all transactions – including those by dealers/brokers and those providing technical assistance, training, transport, storage, finance and security. For countries to be able to control arms on their territory, prior notice and authorisation of transit or trans-shipment must also be included.

The treaty must be workable and enforceable. It must provide guidelines for full, clear implementation. It must ensure transparency – including full annual reports. It must have an effective mechanism to monitor compliance. It must ensure accountability – with provisions for adjudication, dispute settlement and sanctions. And it must include a comprehensive framework for international cooperation and assistance.

As such, in order to fully deliver on its humanitarian promise and potential, the ATT must not forget the plight of the victims and survivors. They are those most directly affected by the poor controls of weapons transfers. States should therefore recognize the existing rights of victims and commit to working together to ensure they receive the assistance needed in dealing with the consequences of irresponsible transfers of weapons.

Another absolutely crucial issue from my experience is gender-based violence and recognizing the role of women. Internationally, there is increasing agreement that peace and security initiatives must recognize women’s rights. If the Arms Trade Treaty is to be effective in reducing human harm, it must include in its criteria a consideration of the effects of gender-based violence on individuals and societies, and include clear provisions to reduce this harm. This is not subjective – it only means respecting existing international humanitarian and human rights law applicable to the rights and protection of women and girls as civilians, obligations shared by all UN Member States.
Mr. Chairman, delegates and colleagues,

Given the interconnectedness between health and development, it is impossible to achieve development without health as it is impossible to maintain and promote health in the midst of armed violence. According to the World Health Organization: “health is more than the absence of disease. It is security and freedom from fear of armed violence, individual and family wellbeing, adequate food, shelter and access to health care, a prosperous and peaceful community. Health and development are intricately linked.”

With these essential objectives in mind, we urge states to set the bar high in terms of their abilities to agree and implement a robust and humanitarian ATT. Global civil society believes the July negotiations are a once-in-a-generation opportunity to ensure this humanitarian imperative is realized in a major arms regulation agreement. We cannot and will not be satisfied if this imperative is not achieved.

Regulating trade is not enough. We all agree the ATT will not cure “all the ills of the world” – it is not a panacea for armed violence or the challenges of public health. The ATT will not eradicate human rights abuses, corruption or poverty. However, a strong ATT can significantly diminish these “diseases”, a result both spectacular, and possible, to achieve. With ambitious vision, good-will, cooperation, political capital and very long July nights, an ATT that actually matters is within reach for the international community.
Mr. Jordi Armadans, Fundació per la Pau, Spain
Deber de responsabilidad

Señor presidente, distinguidas delegadas y delegados, señoras y señores, amigas y amigos

Sin duda, es un honor, para una persona implicada en el trabajo por la paz y la defensa de los derechos humanos, poder dirigirse a sus señoríás en las Naciones Unidas. El honor es mayor, aún, si la reunión aborda un asunto que afecta directamente a la seguridad de las personas y los pueblos, como es la posible aprobación, este Julio, de un Tratado sobre el Comercio de Armas.

Hasta la fecha, han sido muchas horas de trabajo y debate. Sin duda, bien interesantes. Incluso la discusión sobre temas recurrentes o cuestiones de procedimiento, permiten ver distintas sensibilidades que, finalmente, deberán encontrar un punto de acuerdo. Esa es la grandeza de este espacio: la construcción, aunque sea tortuosa y larga, de un proceso compartido.

Vivimos en un mundo con enormes carencias y dificultades para buena parte de la humanidad. El hambre que azota, la salud que falta, los derechos que se vulneran, la violencia que reina. Y sobre esa dura y compleja realidad hay, también, diferentes visiones y sensibilidades.

Por ejemplo, hay quien considera que el gasto militar es exagerado y, por su coste de oportunidad, dificulta la satisfacción de necesidades humanas más acuciantes. Y hay quien sostiene que todo ese gasto es necesario para garantizar la seguridad. Hay quien considera que el comercio de armas es nefasto en sí mismo y hay quien considera que se trata de una actividad inevitable vinculada a las necesidades de la Defensa. Hay quien considera que el deber de proteger a la humanidad debe pasar por encima de la soberanía de los Estados, y hay quien cree que bajo ningún concepto deber haber inerencias en la soberanía estatal.
Pero, más allá de estas y muchas otras visiones y sensibilidades, hay algunas cosas ciertas. Un sinfín de conflictos (algunos pequeños y localizados, otros de dimensión regional enfrentando a varios actores armados) han protagonizado estas últimas décadas. Conflictos que han supuesto un altísimo nivel de destrucción. Y eso sin hablar de la epidemia cotidiana de violencia armada que azota muchos países supuestamente en paz.

Cuándo uno habla con gente que ha sufrido la violencia, hay algo que siempre me impresiona. Y es el hecho que no terminan de entender como pudo llegarse a esa espiral de destrucción. Y es que, cuándo la semilla de la violencia estalla, prende con muchísima facilidad y genera enormes estragos. Obviamente, en pérdida de vidas humanas, en personas heridas y afectadas. Pero, también en destrucción de infraestructuras, impactos negativos en el tejido económico, más tensiones en la salud pública, etc. Y, sobretodo, destrucción de la convivencia. Aquello que durante años se ha construido puede venirse abajo por un episodio puntual de violencia. Y cuesta décadas volver a reconstruir ese tejido, invisible pero imprescindible, de convivencia humana y social.

Es cierto que en los conflictos armados inciden muchos factores. También en el caso de la violencia en los conflictos interpersonales, el crimen organizado o la delincuencia común en diferentes países. Son situaciones que hay que evaluar y abordar de forma específica. Pero, hay una cosa que la práctica totalidad de los conflictos armados, así como los fenómenos de violencia armada, comparten: las armas. Si, cada conflicto es un mundo, tiene sus causas, sus actores, sus contextos, sus impactos. Pero todos los conflictos violentos, entre personas o países, se desarrollan y se agravlan por la presencia y facilidad del acceso a las armas.

Una vez, un amigo me dijo que cuándo le explicaba algo a su hijo de 12 años y este no lo entendía... es que realmente debía haber algo incomprensible. Expliquemos a nuestras sobrinas y sobrinos, a nuestras hijas y hijos, a nuestras nietas y nietos, que hay productos de alimentación, de cosmética o de cultura que tienen fuertes regulaciones estatales, regionales y mundiales. Expliquémosles, a continuación, que

Una regulación fuerte del comercio de armas no es una cuestión de visiones o de sensibilidades a las que antes aludíamos. Es una cuestión de sentido común. De gestionar adecuadamente la realidad: viendo los problemas existentes y buscando las soluciones pertinentes. De tener en cuenta la protección de la vida de las personas. De entender que el mundo es el resultado de las decisiones que vamos tomando... o no tomando.

Entre las decisiones que debemos tomar está la de nunca más ignorar el hecho que las armas convencionales contribuyen a la comisión de graves violaciones de derechos humanos tales como tortura, uso excesivo de la fuerza por parte de las fuerzas de seguridad, ejecuciones extrajudiciales, desalojos forzosos y desapariciones.

Para que un TCA sea un instrumento eficaz en la regulación del comercio internacional de armas, debe incluir una norma de derechos humanos viable que los Estados puedan aplicar cuando estudien la autorización de una transferencia internacional. Esta norma debe exigir a los Estados que no realicen transferencias de armas cuando exista un riesgo sustancial de que sean utilizadas para cometer o facilitar graves violaciones del derecho internacional de los derechos humanos o del derecho internacional humanitario.

Entendiendo por “violaciones graves” aquellas que plantean los mayores motivos de preocupación a la comunidad internacional y por “riesgo sustancial” que se vaya más allá de la mera sospecha, pero que se pueda prever razonablemente la probabilidad que los usuarios finales utilicen las armas para perpetrar graves violaciones o abusos.
¿Es posible un mundo plenamente en paz? No lo sabemos. En cambio, ¿es posible disponer de una regulación mundial que impida vender armas a regímenes que aplastan sus poblaciones? ¿es posible dejar de facilitar armas a países que están desangrándose en algún conflicto eterno?

Si, claro que es posible. Además de conveniente y necesario, lo sustancial es que es perfectamente posible. Tiene que ver con la voluntad política, con el esfuerzo de ponerse de acuerdo y con la valentía de abordar un problema complejo pero con la determinación de buscar la mejor solución. Porque, en definitiva, crear un Tratado sobre Comercio de Armas es un deber de responsabilidad. Un deber de responsabilidad, no hacia una hipotética utopía futura. Es un deber de responsabilidad hacia lo que hemos hecho hasta ahora mal y lo que podemos cambiar a mejor a partir de Julio. Y, entre lo que hemos hecho mal, permitir la proliferación, el descontrol y el mal uso de las armas, con las terribles consecuencias de la pérdida de más de 500.000 vidas humanas al año, es claramente uno de los errores más graves.

En la Prep Com de Julio me hizo mucha ilusión reencontrarme con Flory Kayembe, activamente implicado en la prevención de la violencia en la República Democrática del Congo. Por desgracia, él ahora ya no está con nosotros y no verá algo por lo que luchó siempre: la existencia de un Tratado que regule el comercio de armas. Ustedes, que no solo tienen la oportunidad de verlo, sino la capacidad de impulsarlo, por favor, no desaprovechen esta oportunidad histórica. Y si en Julio sale adelante un buen Tratado, ustedes habrán sido los protagonistas. Y luego, podrán y podremos explicar a nuestras sobrinas, hijas y nietas, que frente a un grave problema, nos esforzamos, buscamos y encontramos una solución.

Muchas gracias.