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Presentations by the Representatives of the
Control Arms Coalition

Arms Trade Treaty Prep Com

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Mr. Chairman, distinguished delegates, Ladies & Gentlemen

The Control Arms coalition applauds the work of the chair and we welcome the new draft released just this morning. We believe that progress is being made and look forward to continuing work with the chair, states, industry and other stakeholders as the process goes forward.

It is an honor to speak to you for the first time as the Coordinator of the Control Arms Secretariat. As you are aware, Control Arms has for many years been a coalition of civil society members across the globe who demand a robust Arms Trade Treaty to end the human suffering caused by the irresponsible arms trade. The Secretariat is a new body formed within the coalition, housed here in New York to more actively engage officials working in and around the United Nations, while also supporting the efforts of our coalition partners around the world.

Attending today as part of Control Arms are more than 100 individuals from all regions of the globe, just a small sample of the literally million faces who have raised their voice not simply to regulate the arms trade, but demand that such regulation results in real improvements in the lives and livelihoods of their colleagues, friends, and family.

Before talking more in depth about the implementation of a future Arms Trade Treaty-- the main subject of the last three days of discussion-- I would ask that you imagine yourself back here twelve months from now. Perhaps it's late in the night, the translators have been putting in many hours of overtime, and the air is getting a bit stuffy in the summer heat, but a congratulatory cheer is just now ringing out in the chamber. You've done it. A treaty worthy of applause has just been agreed and the years of effort are about to bear fruit.

Who would you call first to tell the good news? For the three speakers who will follow me, they may contact a colleague in their law office, or a woman in the community who has been raped under the gunpoint of an illegally obtained weapon, or a constituent who elected him to office in the hope of a brighter today.

For this treaty is ultimately about people, all people... not just about tanks, and guns and ammunition. While much of the discussion in this room has focused on trade, it is not trade that is the rationale for pursuing this treaty.

It is the harmful impact of that trade on real people, real lives, which demands our hard work and struggle. Every year, thousands of people are killed, injured, raped, and forced to flee from their homes as a result of irresponsible arms transfers. The poorly regulated global trade in conventional arms and ammunition fuels conflict, poverty, armed crime, terrorism, gender-based violence and human rights abuses. Of this, there is little dispute in this room.

We are also pleased to see activity outside this room demonstrating that momentum for a treaty is growing. A landmark statement supported by 21 institutional investors who collectively represent assets in excess of \$1.2 trillion dollars has been released today, calling emphatically for a strong, legally binding and comprehensive Arms Trade Treaty. All supporters are signatories to the UN-backed Principles for Responsible Investment. And yesterday, survivors of armed violence from across the globe released a declaration similarly calling for a strong arms trade treaty.

This week has provided the different actors following the development of a future Arms Trade Treaty ample food for thought. The Control Arms coalition would not claim that the ATT is a panacea for all the world's problems, but we do believe it can make an important contribution to reducing armed violence and humanitarian suffering around the world. We are disappointed by interventions from states who have in the last few days questioned the commitment to the humanitarian goals of the Arms Trade Treaty. We are also alarmed that a number of states that have taken a strong position for a broad scope of weapons to be included and tough criteria to be applied in transfer decisions, are now much more hesitant to support strong implementation provisions. All aspects of the treaty must be robust for the treaty to deliver on its promise to promote human security.

We, like you, are rapidly working to analyze the chairman's latest text and will have more detailed comments in the coming days. There are two points we'd like to raise as conversation continues:

The first point relates to the range of activities and types of transfers to which the treaty applies. The inconsistent use and definition of the words "export" and "transfer" create a number of potential loopholes. These need to be clarified to insure a truly comprehensive treaty, one that ensures that all types of transfers require prior authorizations. Meaning commercial exports, state to state transfers, brokering, re-exports, loans, gifts, and so forth.

Second, we note that there is no reference to reports being made public, and a previous reference to cooperation with relevant international and regional organizations and nongovernmental organizations has been removed. The treaty is ultimately about people and needs to engage with the world in a transparent and open way.

Looking now directly at implementation, we recognize that arms transfer decisions will remain national decisions. Let me be very clear, because sometimes the following message is not heard or is distorted. Control Arms advocates that the Arms Trade Treaty regulate the international trade of conventional weapons and ammunition, not the internal transfer or domestic possession of them.

Implementing the treaty will therefore require action at both the national and international level to be successful.

- At the **national** level State Parties will have to develop and maintain comprehensive, efficient and effective national systems corresponding to the requirements under the treaty.
- At the **international** level the treaty application worldwide will have to be monitored and verified through transparency measures such as reporting and with the assistance of an independent and sufficiently resourced implementation support unit.

National systems

It is evident that no size will fit all countries. Different legal systems and traditions, industrial profile, geographical size and location as well as various levels of capacity and trained human resources will all impact national implementation of the ATT. However there are commonalities between what is needed and what can be done. Every system will have to have a legal basis, a trained institutional structure to support it and an efficient enforcement system to back it up. This has already been done by many states, small and large, and it can be done by pooling resources that already exist for the control and management of other areas. Technical assistance should be offered to states that have limited resources for establishing a system.

What it all boils down to is that each State Party will need to establish and maintain a transparent, predictable, and effective national system for authorizing - consistent with the assessment criteria in the treaty - the international transfers of conventional arms, ammunition, parts, components, technology and related equipment under the scope of this treaty by tangible or intangible means.

Reporting will be a cornerstone for a well-functioning ATT. National reporting will have to cover information on all international arms transfer authorizations and licenses issued and denied, and deliveries made and received, under the treaty. These reports should be mandatory and public because voluntary reporting in current international regimes has proven less than adequate.

These publically available reports need to contain, for example, information on quantity, value, model/type, details of Transit State(s), Recipient State(s), State(s) involved in authorizing the activities of arms brokers, end users, commissions and fees paid etc. Records necessary for the reports need to be kept for a minimum of twenty years.

The national reports will also have to have a destination such as the Implementation Support Unit, which should collect, collate and analyze the reports – a necessary function for the development and improvement of the ATT. To do its job well, an ISU should be independent and sized adequately enough to perform its tasks – including supporting reporting obligations from States with less resources. Surely, regulating a roughly \$60 billion industry deserves not to be nickel and dimed.

We firmly believe that **transparency** is a fundamental part of ATT compliance. Publicly available reporting by nations will be absolutely essential to fulfill the treaty's transparency mandate. While states often argue for secrecy, the historical record shows that better illumination of the interactions in the international arms trade will provide improved communication, raised awareness and decreased fear between states. It will also serve as a major confidence building mechanism for states in their bilateral, regional and international interaction.

In conclusion, the enormous, unacceptable and avoidable human costs of the irresponsible trade in arms and ammunition – and our shared desire to address them – bring us all together to work on an Arms Trade Treaty. A successful conclusion is well within reach – with the proper amount of effort, ambition and vision. We look forward to working with everyone in this room over the next year to achieve that ATT that merits the applause of the international community. Thank you for your attention and your attention to my three upcoming colleagues from the Control Arms coalition.

Carole Engome, Réseau des Femmes d'IANSA

Monsieur le Président, Chers Délégués, Mesdames, Messieurs,

Le mois dernier, j'ai reçu le témoignage d'une femme qui avait été violée par douze hommes armés dans la zone du Nord de la République Centrafricaine, contrôlée par un groupe rebelle, à Paoua. Cette femme est aujourd'hui malade du VIH/SIDA et vit dans une extrême pauvreté, abandonnée, rejetée par tous. J'ai également recueilli le témoignage d'une enfant de six ans, qui a été violée par quatre rebelles. Elle aussi est malade du VIH/SIDA, elle ne peut plus marcher. La violence armée contre les femmes n'a pas de limite dans l'âge des victimes et ne se limite pas à la violence dans les zones de conflit. L'année dernière, dans le quartier de Boyrabe à Bangui, un homme jaloux a tiré sur sa femme. Elle a pris trois balles au ventre et a été opérée plusieurs fois.

La République Centrafricaine ne fabrique pas d'armes, alors d'où viennent-elles? De Port-au-Prince à Bangui, de la Colombie aux Balkans, les histoires se répètent inlassablement. Autour du monde, les femmes subissent les conséquences du manque de contrôles qui caractérise aujourd'hui le commerce des armes. Nous sommes particulièrement menacées par certains crimes du fait de notre sexe, dont le meurtre, la menace et l'intimidation, le viol et d'autres formes de violence sexuelle, non seulement dans les conflits ou dans la rue, mais aussi dans les foyers. Autour du monde, il existe un lien fort entre le port des armes et les notions sociales et culturelles de « masculinité ». Nous ne participons presque jamais aux guerres qui ont lieu dans le monde, et pourtant c'est nous qui en souffrons souvent le plus – directement et indirectement. Le Conseil de Sécurité a reconnu que la violence sexuelle dans les conflits armés constitue une menace à la paix et la sécurité.

Monsieur le Président, Chers Délégués,

Mon intervention va concerner plus particulièrement les principes, les objectifs, le champ d'application et les paramètres du Traité sur le Commerce des Armes. Nous tenons à saluer la qualité des débats des précédentes Prepcom sur les principes ainsi que sur le champ d'application des armes et les paramètres;

Nous nous réjouissons de voir apparaître la mention des violences faites aux femmes dans le préambule du nouveau texte, mais nous considérons qu'elles doivent aussi être prise en compte dans les principes ainsi que les buts et objectifs du TCA. Les droits des femmes sont reconnus par des résolutions et instruments internationaux juridiquement contraignants, et font partie du droit international pertinent dans le cadre du TCA. Ainsi, nous considérons indispensable d'inclure une référence des instruments internationaux contraignants pertinents relatifs aux violences liées au genre, dont le viol et les violences sexuelles, afin qu'ils soient pris en compte lors des décisions de transferts d'armes, dans les principes ainsi que dans les buts et objectifs du TCA;

Pour ce qui est du champ d'application, la non prise en compte des équipements de sécurité et de rétablissement de l'ordre est problématique. De tels équipements ont été utilisés abusivement contre les populations civiles de nombreux pays au Moyen Orient et en Afrique du Nord au cours des révolutions arabes. Nous demandons aux États de soutenir leur inclusion dans la liste des armes du futur traité;

Les armes légères et de petit calibre sont les plus meurtrières. Ce sont les armes les plus utilisées dans les violations des droits de l'homme et du droit international humanitaire, ainsi que dans les violences faites aux femmes. Par ailleurs, la violence par arme à feu nuit considérablement au développement socio-économique à travers le monde. Nous appelons les États à adopter un traité qui intègre au champ d'application les armes légères et de petit calibre et les munitions;

Concernant les paramètres du traité, l'évaluation du risque substantiel de l'usage des armes par les États est un progrès significatif. Pour renforcer le contrôle nous demandons aux États de considérer l'application des critères au cas par cas.

Nous apprécions la révision du texte concernant les risques de corruption résultant du commerce des armes. Les dispositions relatives à la corruption dans le nouveau projet de texte du Président s'appliquent à toutes les activités de transfert d'armes, améliorant sensiblement leur effet.

Nous demandons que le Traité empêche les transferts d'armes lorsqu'il existe un risque substantiel, qu'elles soient utilisées pour perpétuer ou faciliter des actes de violence liée au genre, dont le viol et autres formes de violences sexuelles.

Nous sommes également préoccupés par l'absence dans le nouveau texte d'un critère qui empêcherait les transferts d'armes lorsqu'il existe un risque substantiel qu'ils perpétuent des niveaux élevés de violence par arme à feu dans les situations hors conflits;

En résumé, les projets de textes sont forts, et avec des changements relativement modestes, ils pourraient utilement être améliorés pour mieux répondre aux objectifs qui étaient fixés par l'Assemblée Générale pour la négociation de ce traité.

Suela Lala, lawyer and survivor, Albania.

Good afternoon. Thank you for giving me the opportunity to address this Preparatory Committee on behalf of the Control Arms Coalition.

My name is Suela Lala, and I am an Albanian lawyer working on disability rights. I am here because I have personally experienced the hostility of weapons – I was injured when I was 14 years old by a firearm, and have witnessed the destruction they have caused in my country.

I, together with my fellow survivors are here to join a growing chorus of individuals from all corners of the world, committed to ensuring that this treaty is recognized as much for its humanitarian impact as for the technical guidance it provides to member states on the responsible transfer of arms.

Among its nine recommendations for action, the 2002, 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." Fully recognizing the diversity of assistance that will be required by States to bring them into compliance with the Arms Trade Treaty, I would like to draw your attention to the diversity of needs, and the requisite types of assistance and cooperation available to states.

Before discussing particulars, please allow me to put a human face on the scope of this problem that illustrates the need for a strong treaty. Mine is one of the human faces that you should keep in mind when you negotiate this treaty. Combating armed violence requires national and international investments by states. It diverts limited monetary and human capital from health systems and socio-economic priorities. Africa is a good example. On that continent, armed violence has shrunk national economies by a staggering 15 percent, ruining countries' development trajectories, and preventing them from meeting the needs of their population.

Examples like this show the true costs of armed violence. Not only does armed violence kill and injure people and imposes enormous cost on the already strained health care systems. The immeasurable socio-economic costs of armed violence means that people like me - or my colleagues - who are here in New York with me, and many others living in affected communities, are prevented from pursuing our life's potential and contributing to the development of our countries. The human and national security imperatives combine to require action.

A strong ATT will help reduce the costs that armed violence imposes, on us, the victims and survivors, whose lives are changed forever in that one moment when a weapon becomes the integral part of our life's story. In order for all states to be able to effectively implement their obligations under this treaty and make a difference in the lives of the people living with the consequences of poorly regulated trade, a

strong ATT must include a comprehensive framework for international cooperation and assistance.

This would allow states to request and receive support from other states and relevant international, regional, and sub-regional bodies in implementing their obligations under the treaty. Just as importantly, a strong ATT will not be possible without cooperation between and among states and civil society. When the text of the ATT is negotiated, it should create mechanisms to facilitate such cross-sectoral cooperation, both nationally and internationally including relevant civil society organizations.

States are in a good position to make this happen. There are a number of aid frameworks which currently exist that can assist countries to strengthen the institutional capacity of their security sector, and other sectors including health, research, development, education and justice that must be involved to effectively implement the treaty. It should be noted that said assistance must be conflict sensitive and be provided alongside training on human rights, UN principles on the use of force and firearms, and other relevant international norms.

Besides bilateral assistance and multilateral processes, there are regional and thematic assistance frameworks, like development assistance, which can be helpful in making sure that states get the adequate resources and support needed to implement the treaty domestically. For example, in 2009 Germany provided financial and technical assistance to support the development of a National Customs Enforcement Network for a number of African countries.

As an example, building the capacity of state architecture to comply with a strong ATT includes, at the very least:

- Development or review of national legislation and administrative procedures
- Enhancing the capacity of law-enforcement agencies
- Development of the capability to produce an annual report
- Training of relevant personnel – such as judiciary, customs, export license officials
- And coordinating with disability, health, development and human rights mechanisms to ensure adequate assistance to victims

On this last point, I would like to say a few words specifically about this issue of assistance to victims. This is an area that has been seen by some as outside of the purview of an Arms Trade Treaty. We, the survivors, having suffered first-hand the consequences of armed violence, urge governments to:

- Work together in the context of international cooperation and assistance, to ensure that those who are willing and committed to implementing a strong and robust treaty have access to support and resources they need to make a comprehensive ATT a reality.

- Acknowledge the rights and needs of victims and, where possible, undertake to assist them in recovery and rehabilitation as a fundamental human rights obligation of each state toward its own citizens and our global community's responsibility toward each other.

As a lawyer, I fully realize that this can be seen by some as an ambitious request. I also know that it is imperative that this treaty prioritize potential humanitarian gains. The reason for the existence of this treaty are people like me. Recognizing our foundational role in the existence of this treaty and committing to assisting us in recovery and as we work to maximize our life's potential is within reach with the proper amount of political will. Governments and civil society can work side by side to achieve a robust and effective ATT, and ensure that it is fully implemented.

We are committed to making this treaty work. We need states to commit to it as well. This treaty must be more powerful than the force of weapons. It must be more robust than the pressures of politics. And it must be more beneficial than the incentive of profits.

Thank you.

Sr. Felipe Michellini, Legislador, Parliamentarians for Global Action

Señor Presidente, Sus Excelencias, Damas y Caballeros,
Mi nombre es Felipe Michellini y soy miembro del parlamento de Uruguay. Asimismo, formo parte de Parliamentarians for Global Action, una organización que activamente moviliza a legisladores de todo el mundo en apoyo del Tratado sobre Comercio de Armas.

Por favor permítame reconocer la presencia de otros parlamentarios en esta sala, procedentes de India, Surinam, Sri Lanka, Colombia y Suecia. Nuestra presencia aquí esta semana es una expresión de nuestro compromiso infranqueable para que se logre un ATT robusto.

Sr. Presidente,

Los legisladores tienen un papel crítico al ejercer su función dual de supervisión y rendición de cuentas. Los gobiernos deben rendirles cuentas sobre el por qué y el cómo del uso de fondos públicos. Además, los miembros de los cuerpos legislativos tienen responsabilidades de vigilancia cara a cara con los gobiernos.

El sistema de controles y contrapesos es, indudablemente, la piedra angular de todo proceso democrático, y así, la rendición de cuentas y la vigilancia son fundamentales por lo que respecta a la **compra, venta, transferencia y control de armas**.

¿Qué pueden hacer los parlamentarios para apoyar el actual proceso de negociación del Tratado sobre Comercio de Armas?

3 Cosas

1. Junto con nuestros muchos colegas y amigos en la comunidad de organizaciones de la sociedad civil, estamos activamente abogando a favor del ATT, para asegurarnos de que en su momento sea este un Tratado que produzca un verdadero cambio en el terreno.

También promovemos el ATT entre funcionarios gubernamentales clave con quienes somos afines.

2. En segundo lugar, cuando el texto del tratado sea acordado el año próximo, nosotros, legisladores, trabajaremos para asegurarnos de que el Tratado sea **ratificado** en nuestros respectivos países sin ningún retraso.

Nosotros en Parliamentarians for Global Action hemos tenido un impacto significativo a la hora de ayudar con la obtención de un gran número de ratificaciones para otros grandes tratados internacionales. Nuestro objetivo para con el ATT no es diferente.

3. Quienes formamos parte de los parlamentos también somos conocidos por nuestra labor en la elaboración de leyes. Esta responsabilidad—redactar e implementar leyes nacionales que ayudarán a implementar el ATT cuando sea

ratificado en nuestros países—es esencial. Una ratificación sin implementación es un ejercicio vacío e insignificante.

Esto me lleva al tema de la sección sobre “Consideraciones Finales”, actualmente bajo estudio. Un tanto como en el caso de la redacción de leyes, las Consideraciones Finales en un tratado no siempre generan el mismo nivel de debate o interés como sucede en el caso del contenido “sustancial”.

No obstante, si no contamos con unas Consideraciones Finales correctas, podríamos debilitar **todo** el trabajo realizado para las demás áreas del Tratado.

A continuación, permítame hacer referencia a unos cuantos puntos específicos

1. Para la **entrada en vigor**, una vez revisados varios tratados internacionales y tomado en cuenta la necesidad para asegurar, tanto la entrada en vigor expedita, como el nivel de participación que garantiza una operación efectiva del tratado, creemos que el número óptimo en el caso del ATT es de 30 ratificaciones.

2. En cuanto al ejercicio del derecho soberano de un Estado a retirarse del Tratado, tal y como está actualmente redactado en el documento que usted nos ha presentado, creemos que este punto debería ser fortalecido. Cuando un Estado decida retirarse de tan importante compromiso hecho ante la comunidad internacional, que lo haga únicamente bajo circunstancias excepcionales.

Por ende, debe quedar claro ante los demás Estados Partes que estas circunstancias extraordinarias tendrían que ver con la construcción de confianza en el Tratado. Permitir condiciones menos rigurosas para el retiro sería tanto como producir un régimen carente de estabilidad.

Este punto debería ser ajustado de manera tal que cualquier Notificación de Retiro solamente pueda ocurrir si un Estado Parte decide que eventos extraordinarios relacionados con el objeto del Tratado han puesto en riesgo sus intereses nacionales supremos. Tal Notificación deberá incluir una Declaración de dichos eventos.

3. Consideramos que es necesario **establecimiento de una Asamblea de Estados Partes y una Conferencia de Revisión** para garantizar que el Tratado opere efectivamente y para permitir modificaciones futuras. Acogemos con beneplácito el lenguaje utilizado en el documento que ha tenido a bien presentar, pero también creemos que todavía hay margen para que se logre una mayor claridad.

Por ejemplo, la Asamblea de Estados Partes debería atender de manera constante las cuestiones de implementación, en tanto que la Conferencia de Revisión debería evaluar la operación del tratado y su efectividad a lo largo de un periodo de cinco años, así como también, hacer recomendaciones sobre mejoras futuras.

Este también es el caso en el contexto de las consideraciones relacionadas con la **Consulta** entre Estados Partes, la cual podría quedar fortalecida al requerir que los Estados respondan a peticiones de consulta y/o información presentadas por otro Estado Parte.

4. Finalmente, en cuanto al **arreglo de disputas**, muchos instrumentos internacionales en vigor al día de hoy, incluyendo prominentes convenciones sobre desarme, cuentan con la opción de que, en caso de que haya disputas que no puedan ser resueltas entre los Estados Partes por sí solos, éstas puedan ser llevadas ante la Asamblea de Estados Partes, y potencialmente después ante algún organismo independiente como la Corte Internacional de Justicia, con el consentimiento mutuo de los Estados Partes en disputa. Creemos que el ATT también se beneficiaría con dicha consideración.

Muchas gracias por su tiempo y amable atención.