



PARLIAMENTARY FORUM
ON SMALL ARMS AND LIGHT WEAPONS

Policy Statement on Ratification and Implementation of the Arms Trade Treaty

Board of the Parliamentary Forum on Small Arms and Light Weapons, meeting in Geneva, Switzerland, 13th of October, 2014

The international trade in conventional arms represents large economic interests, estimated to a total value of at least \$58 billion in 2012¹, and the concept of buying and selling conventional arms is generally seen as legitimate by the international community. All states are regarded to have a legitimate right of self-defence, and to be responsible to their citizens for providing internal and external security. As such they may seek to acquire weapons either by production or import. However not all weapons bought or sold internationally are used for legitimate purposes and by legitimate users. Some weapons may cross borders illegally, in clear violation of national and international laws. Others may leave a country via a legal, state-sanctioned arms deal, but are subsequently used illegitimately by the importer, or change hands more than once, and end up in the hands of unscrupulous users. Or the intended recipient may decide to use those weapons to violate human rights or international humanitarian law.

Unfortunately, far too often conventional arms are ending up in the wrong hands. And the consequences when they do can be dire. Arms are used to facilitate violations and abuses of human rights, fuel conflict and crime, and undermine development. More than 740,000 people are estimated to die through armed violence every year², while around 41 per cent of non-war and non-conflict-related homicides each year are estimated to be firearms-related.³

Critical to the easy availability of conventional arms has been the fact that the laws to control their trade are either poorly designed and/or implemented, or simply do not exist, or that states have been willing to ignore or discount the risks that the arms may be misused. The problems are compounded by the growing numbers of States looking to become arms producers themselves—preventing human rights

¹ 'SIPRI Yearbook 2014', *Stockholm International Peace Research Institute*, Oxford University Press, July 2013, <http://www.sipri.org/yearbook/2014/05>.

² 'Armed Violence Prevention and Reduction', *Small Arms Survey*, <http://www.smallarmssurvey.org/security-programmes/armed-violence-prevention-and-reduction.html>.

³ 'Global Study on Homicide 2013', *UN Office on Drugs and Crime*, p. 16, http://www.unodc.org/documents/gsh/pdfs/2014_GLOBAL_HOMICIDE_BOOK_web.pdf.

abusers, criminals, warlords and terrorists from gaining access to arms becomes more difficult as the pool of potential suppliers expands.

States have long acknowledged the harm that conventional arms can do, that they cannot be bought and sold like any 'normal' product, that while some sales might be acceptable others are not. Moreover, in recent decades there has been growing recognition that national controls are not enough, which was first manifested through the development of several regional frameworks and mechanisms and which has now found its ultimate expression through the globally-agreed and legally-binding Arms Trade Treaty (ATT).

First introduced to the UN in 2006, the ATT was adopted on 2 April 2013 by a UN General Assembly vote of 156 for, three against and 22 abstentions.⁴ Since then, progress towards entry-into-force has been rapid; the trigger point of 50 ratifications was passed on 25 September 2014, with the consequence that the Treaty will enter into force on 24 December 2014.

The ATT is a major achievement which has the potential to result in a major reduction in the number of illicit and irresponsible arms transfers. It is the first global legally-binding instrument designed to ensure responsible and effective control of cross-border transfers of conventional arms and to eradicate their illicit trade. It obliges States Parties to prohibit the transfer of items which would be used in genocide, crimes against humanity, grave breaches of the 1949 Geneva Conventions, attacks directed against civilian objects or civilians, or other war crimes as defined by international agreements to which it is a Party. State Parties, before issuing licences for the export of arms, are also obliged to assess the risk of other types of misuse relating to peace and security, international humanitarian law or human rights law, terrorism, transnational organised crime or gender-based violence or violence against women and children.

If the ATT is to fulfil its potential, however, it is critical that a large number of states not only become States Parties but that they fully implement the Treaty in both letter and spirit. In this, parliaments have already been and should continue to be active, as promoters, legislators and once the ATT enters into force in holding governments to account with regard to Treaty implementation.

The rapidity of entry-into-force has in part been due to the role that parliamentarians from around the world have already been playing in raising the issue of ATT ratification in national parliaments and with national governments. It has been noticeable that in a variety of states, in different regions of the world, advocacy by individual parliamentarians and in some cases relevant parliamentary committees has been effective in identifying ATT ratification as a matter of priority for government. This work should continue, not just internally among those states—still in the majority—that have yet to ratify, but parliamentarians can also promote Treaty universalisation by raising the ATT as an issue with colleagues from other states, through bilateral contacts and engagement in regional and international fora.

⁴ The UN General Assembly approved the resolution by a recorded vote of 154 in favour, 3 against, and 23 abstentions. Subsequent to the vote, the delegations of Angola (which originally abstained) and Cape Verde (which originally did not vote) informed the UN Secretariat that they had intended to vote in favour. See www.un.org/disarmament/update/20130402/.

Parliaments also have a critical role to play as legislators, be it through initiating a legislative process or calling for and responding to legislation drafted by government. While the particular role and function of parliaments and the process of incorporating international obligations into national law differ from country to country, parliamentarians will potentially need to consider new legislation that creates a general authorisation to ratify the Treaty as well as the amendment of various existing statutes and regulations that address different aspects relating to the international arms trade, potentially including laws covering issues as diverse as data-protection and privacy, administrative responsibilities, customs procedures, and criminal sanctions. This function will be crucial in determining whether a state has taken the necessary legislative powers to implement the Treaty in general but also whether the details of its legislation are such that it can fully comply with all the articles of the ATT.

The third function of parliamentarians will be to monitor Treaty implementation. Given the direct implications for human rights and peace and security of arms transfers, it is entirely appropriate that an electorate should know and be able to explore what its government is doing in this regard. Yet, historically, many governments have been reluctant to permit meaningful oversight in this area. However, while the Treaty does not refer explicitly to a role for parliaments, there are repeated references and provisions relating to international co-operation. Moreover, States Parties are required to submit reports to the ATT Secretariat—which will subsequently “be made available, and distributed to States Parties” (Article 13.1 and 13.3)—regarding steps taken to implement the Treaty and concerning authorized or actual arms exports and imports. All of which points strongly to a culture of increasing openness. In this context, the ATT promises new opportunities for parliaments to monitor government compliance with national law and international obligations—critically important here will be the need for parliaments to ensure that States Parties implement the ATT in spirit as well as letter. Also important, parliaments can play an indirect role in pressuring their own respective governments to hold other States Parties to account.

Through active engagement in all three areas outlined above, parliaments will be able to play a full and active part in ensuring that the ATT fulfils its promise to progressively reduce the flow of arms and ammunition that currently does so much to destroy lives and livelihoods around the world.

Objectives

The Board of the Parliamentary Forum on Small Arms and Light Weapons, meeting in Geneva, Switzerland, 13th of October, 2014;

Recognises the dangers of an under-regulated trade in conventional arms and the harm caused by illicit and irresponsible arms transfers with respect to human rights, international humanitarian law, national, regional and international peace and security and socio-economic development.

Affirms the legitimate right of all states to self-defence, as established by the UN Charter, and the obligation on all states to protect their civilians.

Welcomes the opportunity presented by the ATT to ensure greater responsibility, co-operation and transparency with regard to the international conventional arms trade;

Welcomes the rapid pace of ratifications, the consequence of which is that the Treaty will enter-into force on 24 December 2014

Urges all states that have not yet done so to ratify the Arms Trade treaty at the earliest possible opportunity, and encourages parliamentarians to take an active role by making use of their regular parliamentary tools;

Recognises the efforts of individual parliamentarians from all regions of the world and by fellow international parliamentary bodies such as Parliamentarians for Global Action and the Inter-Parliamentary Union to promote rapid ratification and effective implementation of the ATT;

Urges all States Parties to implement the Treaty comprehensively and with full cognisance of the fact that its stated purpose is to reduce human suffering;

Recalls the Final declaration of the Inter-parliamentary Conference of the Parliamentary Forum on SALW to 'Enhance ATT and UN Programme of Action Implementation by South-South Parliamentary Exchange and Cooperation' in Lomé on 22-23 May 2014 as well as previous policy statements on the ATT;

Encourages parliamentarians from all states, in co-operation with other relevant non-governmental stakeholders, to promote signature, ratification and comprehensive, rigorous implementation of the ATT by their respective governments, and to monitor its implementation once the Treaty enters into force for their state;

Mandates the Forum, its Members and the Secretariat to undertake all necessary activities—including capacity-building, awareness-raising, advocacy and monitoring—to promote universalisation and widespread rigorous implementation of the Arms Trade Treaty, and to take action in line with agreed policies.