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**Remarks for the Closing Session: Preparations for the Conference of State Parties,
Parliamentary perspectives ahead of the first Conference of State Parties: findings,
recommendations and conclusions**

Let me first of all thank the British Parliament for such an enlightening and interesting Seminar. The very aim of it is remarkable in the sense that Parliamentarians need to engage in fruitful dialogues dealing precisely with an important responsibility directly linked to the forthcoming entry into force, next month, of the Arms Trade Treaty (ATT). The ATT establishes standards to regulate international arms trade that, without a substantial effort made by Parliaments in order to harmonize our respective legal frameworks on the international trade of both arms and ammunition regrettably will be reduced to a letter of good wishes.

Every day, millions of people suffer from the consequences of the irresponsible arms trade. Therefore it is hard to imagine another field of action, as meaningful and important like this, in which parliamentarians of the world should be working together. Indeed, creating the capacities to fully implement the ATT is not an easy task. Quite the contrary, is probably one of the most difficult tasks we can face in an interparliamentary context. As you know, Mexico played a key role during the negotiations of the agreement and has been an important actor in the ratification process, actually being the seventh country to ratify it. In addition, Mexico not only issued a declaration of provisional application in order to give immediate effect to some of the agreements provisions but also decided to participate as host of the first Conference of State Parties of the ATT. In that capacity, Mexico will be working closely with the 54 States that as of today had ratified the Treaty in the full implementation of it, with the 122 signatory



States in order to assist them in the process of adoption and with civil society and experts.

The rapid pace of ATT ratification attests to the will of so many governments to respond to this challenge and we Parliaments need to make sure that the Treaty's entry into force will take place in the context of vigorous action to ensure its swift and effective implementation through a comprehensive process of harmonization. In the absence of a supranational body, all states will require a national system for the control of international transfers of conventional arms that includes laws, regulations and administrative procedures and capacities enabling licensing/authorization provisions, enforcement mechanisms, among others, growingly consistent with the ATT mechanisms. That is the main reason why we believe that a Parliamentary Conference on the margins of the State Party Conference is not only desirable but essential.

Although it is true that the United Nations has been engaged in assistance for ATT implementation through activities launched by the regional centers and the provision of toolkits and assistance package with best practices and practical steps towards adequate implementation in the framework of the United Nations Trust Facility Supporting Cooperation on Arms Regulation (UNSCAR), parliamentarians play a decisive role namely in the struggle to curb the proliferation of small arms and adopting laws setting limits and establishing regulations for producing, processing and trading small arms. As the flow of arms take place through borders, fighting their damaging effects and implementing in the national legislation international commitments regarding it, should be coordinated across borders as well. Moreover, in the process of designing what some experts believe should be an implementation framework, the involvement of parliamentarians seems crucial.

There are a number of issues at stake and evidently the treaty only lays out a basic framework for implementation but key decisions can only be taken after it enters into force. Firstly, we should emphasize the need of assessing whether our national systems of arms imports, exports and transfers should be reviewed in the light of the ATT commitments. Indeed, this might require important legislative reforms and eventually

the need of sharing best practices on the subject. In the process of identifying gaps in existing national arms transfer control frameworks, the parliamentary involvement should be encouraged. Secondly, one of the most important articles of the Treaty entails a risk assessment process regarding the risk of diversion to commit genocide, serious breaches of international humanitarian law, gender-based violence or violence against children, among others. The subjectivity inherent in these assessments has been pointed out as a potential weakness States should tackle when translating this general obligation into concise national legislation.

Thirdly, States parties are obliged to submit initial reports on the implementation of the treaty, detailing their transfer control systems and annual reports on their arms exports and imports. Furthermore, under article 13, each party is obliged to provide the Secretariat with those national laws, national control lists and other regulation and administrative measures implementing the Treaty. This will be an exceedingly important tool to evaluate where we are in the process of full implementation and, consequently, what kind of legislative measures we need to work on. National reports, according to the Stockholm International Peace Research Institute, will be important for helping the ATT to achieve its goal of promoting transparency and responsible action by State parties in the international trade in conventional arms and for Parliaments they will be an ideal source of information to share and eventually to inspire some legislative action. Lastly, Parliaments must use all available tools including committees to monitor national implementation of ATT commitments, scrutinizing legislation, budgets and progress reports that they can share afterwards during international meetings like this.

Indeed, the parliamentary and legislative dimension of the ATT implementation is something the IPU is taking seriously into account. This seminar is an important indication in that regard. But we can still do a lot more with the support of the IPU. Similarly to the case of nuclear weapons where the IPU has been extremely active in the elaboration of a handbook of parliamentary best practices, the approval of a landmark resolution on the subject and the involvement of the organization on strategies looking for the universalization of the Treaty of Non –Proliferation of Nuclear Weapons, the



IPU should also become a global forum to focus political attention on the need for effective and verifiable implementation of the ATT.

Considering the preparatory process towards the ICSP has already begun, it is important to highlight that the signatories and State parties are discussing and developing the strategies that will shape and rule the future work of the ATT, so parliamentarians from countries that have not expressed their positions towards signing or ratifying the Treaty takes into account they are falling behind the negotiations. We invite our friends, parliamentarians convinced of the importance of this action, to persuade their respective governments in that regard.

Another important aspect that should be discussed later on is the accordance of the Template for the national report every State should prepare annually: while a prose option permit a scope for each country to detail specificities and argue about its outcomes, a questionnaire form – such as the United Nation Program of Action (UNPoA) – ensure the coherence and compatibility of information every State would deliver, permitting an analysis of the ATT implementation in a more general and global perspective.

Since the time available to prepare the ICSP is limited, it was agreed to hold rounds of informal consultations to guide the preparatory process. In September 2014, Mexico conducted the first consultation. The next Round will be held in Berlin, Germany on the 27th and 28th, November 2014, where relevant issues such as the date for the ICSP, the Permanent Secretariat and whether or not there would be need for two or more Preparatory meetings shall be discussed. The ICSP could take place in the summer of 2015 at the earliest. Therefore, on our view, a parliamentary seminar of the IPU, should be called to meet on the margins of the ICSP particularly oriented towards an agenda of commitments, actions and proposals parliamentarians can actually perform in order to make an important contribution to the effective implementation of the ATT and eventually fostering ideas and actions beyond the ATT itself.



One of the main criticisms of the ATT was the fact that it did not include non-state actors even though it is rather clear that uncontrolled arms flow to certain types of non-state actors is one of the important concerns of the international community nowadays. Even if we might sympathize with this posture and regret that they were not covered by the treaty, apparently because States wanted to avoid a subject potentially jeopardizing an agreement, we as parliamentarians can do a lot on the topic. Nothing prevents us from taking important steps in both our national legislation and the global and regional arena fostering key international agreements considering this topic.

We should not forget that at a meeting of 21 governments in Oslo in July 1998, the Canadian Government presented a proposal for a *Global Convention prohibiting the international transfer of military small arms and light weapons to non-state actors*. The proposal stressed the need of ensuring that transfers of conventional weapons are better controlled and strongly regulated so as to prevent their delivery or diversion “into the wrong hands”. Although the Canadian proposal was not adopted, several states supported the principle of prohibition that we should consider once again. As the scholar Robbie Sabel points out, “there is at present no general international legal instrument requiring that weapons be transferred only to states and the corollary is that there is no prohibition regarding transferring weapons to non-state groups”. This is clearly an important topic that, independently of the need of ensuring the full implementation of the ATT, we parliamentarians can work on.

In sum, there are lots of issues we are facing in the preparatory process for the First Conference of State Parties to the Arms Trade Treaty. During the discussions, it is rather clear that parliamentarians need to participate in the drawing up of the roadmap for its entry into force –actively joining the campaigns in favor of its universalization and the ratification from all its signatories- but also working on the one hand, on the harmonization of important commitments such as the aforementioned and, on the other hand, on an agenda beyond the ATT.

Thank you.

Sen. Laura Rojas Hernández.