



Annex 1: Changes suggested to the draft UN First Committee Resolution on an Arms Trade Treaty

The Control Arms campaign welcomes the circulation of the draft Resolution entitled “Effective international control over the import, export and transfer of conventional arms” by Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the United Kingdom. The Campaign is, however, concerned that in order to deliver the necessary progress towards more effective international control, the Resolution must, at a minimum, be strengthened in the following key areas:

1. Title

The use of the term “transfer” adds little to the title and could be made more precise.

Suggested text: *International binding instrument for effective control over the import, export, transit and transshipment of conventional arms*

2. Preambular Paragraphs

i) **Preambular Paragraph 1** (pp1) should be supplemented with references to additional relevant General Assembly resolutions, and to the promotion of, and respect for, human rights as a foundational purpose of the United Nations.

Suggested text PP1: Recalling its resolutions 46/36 L of 9 December 1991 entitled “Transparency in armaments”, 51/47 B “Report of the Disarmament Commission”, 51/45 N entitled “Consolidation of peace through practical disarmament measures” which commend the Disarmament Commission for its adoption by consensus, at its 1996 substantive session, of a set of guidelines for international arms transfers in the context of General Assembly resolution 46/36 H of 6 December 1991, 55/33 U of 20 November 2000 entitled “Transparency in armaments”, 56/24 V of 24 December 2001 entitled “The illicit trade in small arms and light weapons in all its aspects”, 60/69 of 8 December 2005 entitled “National legislation on transfer of arms, military equipment and dual-use goods and technology”, and 60/82 of 8 December 2005 entitled “Information on confidence-building measures in the field of conventional arms”, and recalling Article 1 of the Charter of the United Nations on the purposes of the United Nations, including, *inter alia*, to “maintain international peace and security and to promote and encourage respect for human rights.”

ii) **The preamble should be supplemented** with preambular paragraphs referencing additional relevant international instruments.

Suggested text: *Recalling the 2005 World Summit Outcome adopted by the General Assembly (A/60/L.1) reaffirming states’ commitment to work towards a security consensus based on the recognition that development, peace, security and human rights are mutually reinforcing (Paragraph 72) and to promote a culture of prevention of armed conflict as a means of effectively addressing the interconnected security and development challenges (Paragraph 74).*

Suggested text: *Recalling also the 1980 Convention on Certain Conventional Weapons Which may be Deemed to be Excessively Injurious or to Have Indiscriminate Effects, and its five Additional Protocols.*

Suggested text: *Recalling the Agenda for Humanitarian Action, adopted by States Parties to the Geneva Conventions at the 28th International Conference of the Red Cross and Red Crescent in*

December 2003, which calls, inter alia, to make respect for humanitarian law one of the fundamental criteria on which arms transfer decisions are assessed.

iii) **Preambular Paragraph 3** (pp3) should clearly reference that Article 51 of the UN Charter applies to States only.

Suggested text PP3: Reaffirming the inherent right *of all States* to individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations.

iv) **Preambular Paragraph 4** (pp4) should supplement reference to the rights of all states to manufacture, import and retain conventional arms with reference to other relevant international principles.

Suggested text PP4: Acknowledging the right of all States to manufacture, import and retain conventional arms for self defence and security needs, and in order to participate in peacekeeping operations, *the responsibility of states to refrain from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations, and the principle of least diversion for armaments of the world's human and economic resources*

v) **Preambular paragraph 6** (pp6) should be supplemented with an explicit reference to human rights law.

Suggested text PP5: Reaffirming our respect for international law including international humanitarian law and in particular the purposes and principles enshrined in the Charter of the United Nations and the Geneva Conventions of 1949 and their Additional Protocols of 1977, *and taking into account States' existing commitments to respect international human rights law and standards.*

vi) **Preambular paragraph 10** (pp10) should make explicit reference to the concept of an international Arms Trade Treaty, which has been publicly supported by more than 50 States.

Suggested text PP10: Mindful of the growing support, across all regions, for an international *arms trade* treaty to establish *strong* common standards for the global trade in conventional arms.

3. Operative Paragraphs

i) **Operative paragraph 1** (op1) should add reference to human rights, International Humanitarian Law and development concerns, and should make clear that the list of potential benefits of an effective international instrument included in the Resolution is not exhaustive.

Suggested text OP1: Decides that an effective *binding* international instrument establishing high standards of regulation in the international trade of conventional arms *consistent with the existing obligations of States* would help to prevent, combat and eradicate those sales or transfers of such arms which would be likely to, *inter alia, be used to commit serious violations of human rights and international humanitarian law, undermine sustainable development, undermine regional security, increase crime, conflict and terrorism and displacement of people.*

ii) **Operative paragraph 2** (op2) should clarify an accelerated timeline for the group of governmental experts, and should omit reference to the examination of the feasibility of a legally binding instrument. It should also clearly elaborate the types of existing obligations under international law that ought to be included in any standards relating to the international arms trade. The GGE should also be clearly mandated to consider a number of specific principles for international arms transfers.

Suggested text OP2: Requests the Secretary General to establish a group of governmental experts, within available resources, and on the basis of equitable geographic distribution, commencing no later than *January 2008*, to examine the [~~feasibility~~], scope and draft parameters for a comprehensive, legally binding instrument establishing common international standards for the import, export, *transit and transshipment* of conventional arms. *These standards must incorporate States' obligations under the United Nations Charter, international humanitarian law, international*

human rights law, customary rules of international law, and other relevant international treaties or instruments by which they are bound.

The report of the group of experts *will be transmitted to* the General Assembly for consideration at its sixty-third session.

iii) **Operative paragraph 4** (op4) should be amended to reflect the more precise title for the resolution proposed above.

Suggested text OP4: Decides to include in the provisional agenda for its sixty-second session the item entitled “*International binding instrument for effective control of the export, import, transit and transshipment of conventional arms*”.

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