

UNITED NATIONS INSTITUTE FOR DISARMAMENT RESEARCH EVENT

Towards the Arms Trade Treaty Negotiations: Commonalities of Common Positions

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Permanent Mission of Finland to the United Nations
866 United Nations Plaza, Suite 222 (2.floor), New York

REGIONAL COMMON POSITION ON THE ATT-ECOWAS

Presented by Baffour Amoa, President of WAANSA

Chair,
Excellencies
Distinguished Ladies and Gentlemen:

I would like to thank UNIDIR for the invitation and for the work done to support the West Africa Region in reflecting on an ATT. I am also grateful to the Permanent Mission of Finland for hosting this important event.

In this presentation, I have chosen to recall some of the incidents, past and recent, that necessitated the ECOWAS Commission to reflect a common position on an Arms Trade Treaty in December 2010. The high lights of the ECOWAS Position has been effectively been analysed by UNIDIR in the background paper for this event ably demonstrating how the ECOWAS position compares with positions of other regional and continental bodies' positions. I will therefore not repeat the contents of the ECOWAS Common Position agreed to by all the fifteen Member States.

I would like to recall the situation the Government of Mali found itself when the country's security was challenged due to the proliferation of small arms and light weapons. In 1993, the Malian Government was left with no choice but to turn to the United Nations for assistance. The consideration of a series of reports from Mali by the UN General Assembly on the matter revealed the enormous challenge posed by the proliferation of small arms and light weapons. The story of Sierra Leone and Liberia in the late nineties among the plight of other States around different parts of the world revealed a global threat that led to a decisive decision of the UN General Assembly to hold a conference to determine how to fight the menace of proliferation of small arms and light weapons.

To mitigate this devastating phenomenon, The United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects was held in New York from 9 -20 July 2001 as decided in United Nations General Assembly Resolution 54/54 V.

The outcome of the conference dubbed UN Programme of Action (UNPoA) galvanized civil society organisations in West Africa to lobby ECOWAS to agree to a moratorium on Importation, Exportation and Manufacture of light weapons in West Africa. This instrument was renewed once by ECOWAS and after those civil society organisations working for peace and security in West Africa decided that it was time the moratorium was transformed into a legally binding instrument.

In October 2005, then serving as the Chair of the Steering Committee of the West African Action Network on Small Arms (WAANSA) presented a draft convention to the ECOWAS Commission for consideration and action. It is a delight to always recall that by June 2006, Head of States and Governments had appended their signature to a document entitled “ECOWAS Convention on Small Arms and Light Weapons, Their Ammunition and Other Related Materials”.

With this Convention, West Africa was still not secured as the Convention was limited in its geographical coverage as many more States were outside the jurisdiction of the Convention. Activities in those States had the potential to threaten the peace and security of West Africa. So, when the global civil society campaign for an arms trade treaty reached the shores of West Africa, civil society organizations in West Africa again took up the challenge to lobby and campaign for the ECOWAS region to commit to the realization of a strong and robust arms trade treaty to regulate the transfers of conventional weapons. A move which many felt would strengthen the benefits of the ECOWAS Convention to the region. It is worth noting that the ECOWAS Commission for Peace and Security officially wrote to commit to the process. And so, when the resolution was tabled at the General Assembly, all ECOWAS States voted unanimously in support of such a treaty and for preparatory work to begin.

The meeting of Government experts made up of chairmen of National Commissions and of the Ministry of Foreign Affairs of the Economic Community of West African States met between the 13 and 15 December 2010 in Cotonou, Benin to review and adopt a draft common Position on an Arms Trade Treaty.

The representative of the Chairman of the National Commission of Benin, Prof. d'Oliveira Bonaventure described the meeting to develop an ECOWAS Common Position on the ATT as very important and seized the opportunity to remind member states on the need to remain committed to the maintenance of peace and security in the region.

Brig-Gen. Mahamane Toure, ECOWAS Commissioner for Political Affairs, Peace and Security, recalled that the UN General Assembly at its 55th plenary session of 2nd December 2009 adopted a resolution A/RES/64/48 to carry out a series of consultations that will lead to a negotiating conference in 2012 on an ATT.

Gen. Toure added that as part of its commitment to making a positive impact on the process, ECOWAS Commission was represented at the first session in July 2010 in New York. According to him, considering the negative effects of proliferation of small arms and light weapons on peace and stability, the Commission believes that it is necessary to play a major role in the negotiation process. He cited the 10-year experience the region had in the area of control of transfer of SALW since 1999 when its leaders adopted the Moratorium on Importation, Exportation and Manufacture of SALW which led to the Convention. He paid tribute to civil society coalitions and organizations for the role they played from the days of the Moratorium to the adoption and ratification of the Convention.

Mr. Rabiou Dagari Deputy Director in Nigeria's Ministry of Foreign Affairs who chaired the meeting said that "the Arms Trade Treaty is a technical issue and that it was necessary to have a forum like this to harmonise our views. He noted that all indices show that Africa is sidelined in development and identified challenges of states emerging from conflicts, infiltration of the region by drug cartels and rising unemployment especially among the youth".

Dr. Christiane Agboton Johnson, Deputy Director of UNIDIR made a presentation titled 'Introduction to Arms Trade Treaty (ATT) and Regional Perspectives'. She identified challenges to the ATT to include delay in negotiations, definitions of key terms such as what constitutes conventional arms, the parameters of international transfers, the role of producers and importers, the magnitude of the global trade, the impact of transfers especially on human security.

Ms. Nathalie Weizman, Legal Adviser of the ICRC recalled that States which attended the International Conference of the Red Cross and the Red Crescent had requested ICRC to undertake a study in 1999 from which they deduced that proliferation of weapons hampers delivery of humanitarian assistance and facilitated violations of International Humanitarian Law (IHL). In essence she revealed that the ICRC position covers the goal, the scope and criteria of the ATT. She also recalled that states have IHL obligations and that the ATT should cover all conventional weapons and all transfers. To mitigate the negative effects, states have responsibility as exporters or importers to ensure that transfers do not worsen the status of persons causing undue human suffering.

Dr. Ivor Richard Fung, Director of UNREC presented a paper titled Status and Key Elements of the Arms Trade Treaty Negotiations. Dr. Fung listed the existing regulatory international instruments related to conventional arms including the UN PoA the most recent of which is the 2008 UNGA Resolution 61/89 which established the Group of Governmental Experts (GGE) which had the responsibility of looking at the feasibility of an ATT. He traced the evolution of the treaty and gave an update of its status. He recalled that there was consensus among Member states for the ATT. He identified contentious issues as including definition of weapons, types of activities and transaction, NSAs, operational mechanisms (information sharing and exchanges) and basic principles. He reminded participants that negotiations is the preserve of Member

States and that the UN would provide secretariat and other support to ensure a successful negotiation.

The paper on Civil Society contributions 'Towards An ECOWAS Common Position on the Arms Trade Treaty (ATT) was presented by Mr. Baffour Aboa, President of the West Africa Action Network on Small Arms (WAANSA). He said that to be effective the scope of the ATT must remain comprehensive; it must embrace IHL, be supportive of socio-economic development indices, be transparent and ensure effective implementation of its provisions. He identified challenges in this area to include capacity gaps in some Member states.

The Draft ECOWAS Common Position was presented by Dr. Cyriaque Agnegethom, the Head of the ECOWAS Small Arms Division. The objective was to ensure that the interest of the ECOWAS region is well articulated and protected during the negotiations. The presentation highlighted the background, principles and legal mandate, the goal and objectives, the parameters/common criteria, mode of implementation and application, and promotion of the common position. After the presentation, the draft document was put forward for review by participants.

The meeting agreed on the following recommendations:

- That the Common Position should be presented to the Mediation and Security Council for consideration and adoption
- Member States should ensure effective participation in all forums relating to the ATT
- Member States should propose the Common Position for Adoption by the AU
- ECOWAS and Member states should consider accreditation of CSOs.

Participants formally adopted the ECOWAS Common Position on the ATT as well as the report of the meeting.

Today we stand at the threshold and the world is waiting for the United Nations to deliver a strong and robust arms trade treaty to regulate transfers of conventional weapons. Will it happen?

I thank you.