

**Delegation from
The Commonwealth of the Bahamas**

**Represented by the
University of Heidelberg**

Position Paper for the Conference on the Arms Trade Treaty

The topics of the *United Nations Conference on the Arms Trade Treaty (UNCATT)* are: Scope; Parameters; International Cooperation and Assistance; Victims Assistance; Implementation; Verification; Final Provisions. Above all, the *Arms Trade Treaty (ATT)* should constitute a legally binding instrument, agreed upon by States and thus governing the relationship between them. As Member State of the *Caribbean Community and Common Market (CARICOM)*, the Bahamas has been among the earliest advocates of an international agreement on the trade of conventional arms. Hence, considering the *United Nations (UN)* the best forum to agree upon a strong and effective *ATT*, the Bahamas highly appreciates resolution A/RES/64/48, which calls for the convening of the *UNCATT*.

Recalling section V of resolution A/RES/56/24 “The Illicit Trade in Small Arms and Light Weapons in all its aspects“ and in view of the goal to establish the highest possible common international standards for the trade of conventional arms, the Bahamas supports the *7+1+1 formula*. Consequently, the Bahamas welcomes the inclusion of small arms and light Weapons (SALW) as well as ammunition in the **scope** of the *Chairman’s Draft Paper* of 14th July 2011 (*CDP*). According to a joint statement of the *World Bank* and the *UN Office on Drugs and Crime (UNODC)* in 2007, murder rates in the Caribbean are higher than in any other region of the world. 70 % of the murders occur through the use of SALW. As these statistics illustrate, SALW are creating a culture of violence, aggravating conflict resolution, greatly undermining sustainable peace and development and above all endangering the achievement of the *UN Millennium Development Goals (MDG)*. Hence, the Bahamas calls for the inclusion of armed violence and, with particular regard to *MDG 3*, gender-based violence. The Bahamas strongly believes, that an international license system, covering import and export, brokering, transit and transshipment as well as disposal and capacity-building should be included in the *ATT* as a step **forward** in the promotion of peace and development.

As a member of the *CARICOM* the Bahamas considers the inclusion of the general principles of international law as primary **parameters** of uttermost importance. Recognizing the principles in the *Charter of the UN*, international humanitarian law as well as the human rights, the Bahamas emphasizes the importance of the responsibility, which goes hand in hand with the right to sell, acquire and possess arms. Therefore, the Bahamas strongly supports the strengthening of security controls on national and international standards leaving the rights enshrined in Article 51 of the *Charter of the UN* untouched. Thus, the acknowledgement of fundamental rights – inter alia the right of self-defense, the right to resist tyranny and the right of security at home – is absolutely necessary. The exclusion of these principles that are guaranteed by several national constitutions would facilitate the undermining of the Treaty and embody a setback rather than a step **upward** towards common international standards to control the trade of arms.

As a *Small Island Developing State (SIDS)*, the Bahamas disposes of scarce resources. In spite of best intentions, the Bahamas and other *CARICOM* Member States currently have obligations under the *UN Program of Action on Small Arms and Light Weapons (UNPOA)*, the *Inter-American Convention Against the Illicit Manufacturing of and Trafficking in Firearms, Ammunition, Explosives and Other Related Materials (CIFTA)* and the *UN Firearms Protocol (UNFP)*, which they can not meet. The only way for the Bahamas to meet the provisions of the Treaty and to continue to fight the illicit trade of all kinds of arms is through **international cooperation and assistance**. Therefore, the international community plays a critical role in supporting national and regional efforts on many levels. The Bahamas is pleased that this issue has been reflected in section VI of the *CDP*. In order to facilitate a concerted international approach to support national and regional efforts resulting in a fruitful cooperation, the *ATT* should provide mechanisms for the identification of the individual States’ needs as regards international support. Due to its long and spread out borders, the Bahamas and other Caribbean States are extremely vulnerable to illicit arms trading and highly challenged by controlling the legal arms trade. This makes the Bahamas – despite the fact that no arms are manufactured within its borders – a turnstile for illegal trade in arms to North America, Europe and North Africa. For this reason, the Bahamas calls

for the amendment of training of officials to the section about international cooperation and assistance. Also, as a *SIDS* comprising over 700 islands 30 of which are inhabited, the Bahamas is particularly concerned about maritime security. In view of the financial and organizational challenge maritime actions present, the Bahamas considers maritime security as a matter of international assistance. Considering the importance of maritime spaces for the illicit trade in arms, the Bahamas invites States parties to take the next step **onward** towards an effective *ATT* by including maritime security as an area of priority for international cooperation and assistance.

Additionally, international assistance is urgently needed for **victims' assistance**. Mindful of the crushing impact of the illicit trade and use of arms on innumerable families world wide, the Bahamas feels that no aid to a victim should be denied due to a State's limited capacity. Therefore, the Bahamas encourages States parties to work **together** in assisting the victims of illicit arms trade.

Taking into account the diversity of the needs and capacities of the *UN* Member States, the Bahamas believes that the **implementation** of the *ATT* should be each State's responsibility. However, a minimum of international cooperation of both, intermediaries and end-users is indispensable for the Treaty's robust and consequent implementation. To that end, the Bahamas highly recommends the establishment of an *International Support Unit (ISU)*. The Bahamas requests to further specify the status of the *ISU* as an independent entity supported and funded by States parties, because of the eventual aversion of certain Non-State parties to provide adequate resources to assist an entity within the framework of the *UN*. Recalling section L of resolution A/RES/46/36 "Transparency in armament" and resolution A/RES/60/82 "Information on confidence-building measures in the field of conventional arms", the Bahamas moreover highlights the importance of transparency. Public transparency is not only crucial to proper implementation, but also a confidence building measure (*CBS*) contributive to peace in general. A pivotal aspect of transparency is annual reporting of all arms authorizations, transfers and denials and related matters such as the issuing of *End-User Certificates (EUC)* and *International Import Certificates (IIC)*. Additionally, the Bahamas suggests that information sharing concerning export authorizations should be an obligation vis-à-vis transit and transshipment States. We firmly believe that it is necessary for such States to approve prior to such activities. Record sharing also greatly facilitates international cooperation. Considering the lengthy procedure of arms transfers as well as the long-term impact of arms trade on peace and security, the Bahamas firmly argues in favor of record keeping for a minimum of 20 years. The Bahamas has deep concerns about the 180 days deadline for the submission of the initial report of States parties on measures of implementation. Despite best intentions, the capacity limitations of the Bahamas and other developing countries make it unrealistic to report on time. Reporting is the fundament of States parties working **together**; therefore the Bahamas asks to reconsider the deadline.

The Bahamas favors the inclusion of means of **verification** of the States parties' compliance to the *ATT*. With regard to Articles 2.3 and 33.1 of the *Charter of the UN* the *ATT* should provide mechanisms for peaceful dispute settlement. The latter should be adapted to the specific character of possible disputes resulting from the interpretation of the *ATT* and the denial of arms transfers. To that end, recalling report A/62/278 Add. 3 the *ATT* should establish clear penalties in case of violation of its regulations. In that context, it should provide means to verify the national reports; namely that authorizing documents accompany all shipments. Furthermore, the details of the authorizing documents have to be made available to all States concerned including transit and transshipment States, so the international community can meet the challenge of verification **together**.

As for **final provisions** of the Treaty, considering the crushing impact of the illicit arms trade on both, States and individuals, the Bahamas postulates an early entry into force. The Bahamas moreover approves annual meetings as well as quinquennial conferences to review the operation of the *ATT*. The Bahamas advocates a thorough examination of the scope, so that it can contingently be expanded in order to take technical innovations into account. In view of its universal application, the Bahamas recommends that the Treaty should address the potential loophole of trade between States parties and States not party to the Treaty. In 2006, A/RES/61/68 formulated the idea to step **forward** in the fight against transnational organized crime and human suffering by regulating the international arms trade and thereby moving **upward** on the scale of security and safety in the world and marching **onward** towards more stability and sustainable social development. Six years later, let us put this idea into practice **together** by establishing a strong Arms Trade Treaty.