



**CONSIDERATION OF REQUESTS FOR THE
INCLUSION OF AN EMERGENCY ITEM IN THE ASSEMBLY AGENDA**

**Request for the inclusion of an emergency item
in the agenda of the 129th Assembly of the Inter-Parliamentary Union
submitted by the delegation of Mexico**

On 4 October 2013, the Secretary General of the Inter-Parliamentary Union received from the delegation of Mexico a request for the inclusion in the agenda of the 129th Assembly of an emergency item entitled:

"Promoting universal ratification of the 2013 Arms Trade Treaty".

Delegates to the 129th Assembly will find attached the text of the communication submitting the request (Annex I), as well as an explanatory memorandum (Annex II) and a draft resolution (Annex III) in support thereof.

The 129th Assembly will be required to take a decision on the request of the delegation of Mexico on Monday, 7 October 2013.

Under the terms of Assembly Rule 11.1, any Member of the IPU may request the inclusion of an emergency item in the Assembly agenda. Such a request must be accompanied by a brief explanatory memorandum and a draft resolution which clearly define the scope of the subject covered by the request. The Secretariat shall communicate the request and any such documents immediately to all Members.

Furthermore, Assembly Rule 11.2 stipulates that:

- (a) A request for the inclusion of an emergency item must relate to a major event of international concern on which it appears necessary for the IPU to express its opinion. Such a request must receive a two-thirds majority of the votes cast in order to be accepted;
- (b) The Assembly may place only one emergency item on its agenda. Should several requests obtain the requisite majority, the one having received the largest number of positive votes shall be accepted;
- (c) The authors of two or more requests for the inclusion of an emergency item may combine their proposals to present a joint one, provided that each of the original proposals relates to the same subject;
- (d) The subject of a proposal that has been withdrawn by its authors or rejected by the Assembly cannot be included in the draft resolution submitted on the emergency item, unless it is clearly referred to in the request and title of the subject adopted by the Assembly.

**COMMUNICATION ADDRESSED TO THE SECRETARY GENERAL OF THE
INTER-PARLIAMENTARY UNION BY THE DELEGATION OF MEXICO**

4 October 2013

Dear Mr. Secretary General,

In accordance with the relevant provisions of the Inter-Parliamentary Union, in particular Assembly Rule 11.1, and pursuant to the proposal of Senator Laura Angélica Rojas Hernández, the delegation of Mexico would like to request the inclusion of an emergency item in the agenda of the 129th IPU Assembly, to be held in Geneva, Switzerland, from 7 to 9 October 2013, entitled:

"Promoting universal ratification of the 2013 Arms Trade Treaty".

Yours sincerely,

(Signed)

Delegation of Mexico

PROMOTING UNIVERSAL RATIFICATION OF THE 2013 ARMS TRADE TREATY

Explanatory memorandum submitted by the Delegation of Mexico

Illegal trafficking of conventional weapons is the main means through which organized crime rings, terrorist groups and other criminal bodies are armed; these weapons are responsible for the deaths of thousands of men and women around the world every year.

The 131 armed conflicts that have occurred since 1989 have caused the death of at least 250,000 people per year. According to Amnesty International, it is estimated that some 500,000 people around the world are killed every year as a result of armed violence; this is in addition to diverse violations of human rights, including: the recruitment of children as soldiers in at least 19 countries by 55 armies and armed groups, the existence of more than 40 million refugees and persons displaced by violence, and sexual violence against women, which in many cases is committed using arms to intimidate.

These and other atrocities are committed using the firearms in circulation all over the world, the number of which exceeds 875 million. We can add to this figure the 8 to 10 million new weapons that enter into circulation every year and the 10 to 12 billion bullets manufactured every year. Arms trafficking accounts for some 70 billion dollars per year – although the figure may well be higher given that some of the main exporters do not report their exports adequately.

The conventional small arms and light weapons that are regulated by the Arms Trade Treaty are responsible for 90 per cent of all homicides committed on the planet and kill more people every year than the atomic bombs in Hiroshima and Nagasaki.

For this reason, in 1997, a group of activists, headed by Nobel Peace Prize Laureate Costa Rican Oscar Arias, presented a code of conduct on the transfer of arms. This contributed to the inclusion in the international agenda of the topic on control of conventional arms.

In 2006, following an intensive campaign led by civil society and with the co-sponsorship of a group of countries – Argentina, Australia, Costa Rica, Finland, Japan, Kenya and the United Kingdom – the United Nations General Assembly recognized, through resolution 61/89 (2006), that the absence of shared international standards on the import, export and transfer of conventional arms contributed to conflicts, displacement of persons and terrorism. Mexico voted in favour of this resolution.

Following seven years of negotiation, the United Nations General Assembly adopted the Arms Trade Treaty on April 2, 2013, with 153 votes in favour, 23 abstentions and 3 votes against.

This instrument will fill an important legal void: although weapons of mass destruction are the object of a strict international regime, the international transfer of small and conventional arms was not a part of any mandatory regime whatsoever. We underscore the following important aspects of the historic Arms Trade Treaty:

- It regulates trade in conventional arms, including small arms and light weapons, as well as their parts and components and ammunition, and all related international trade activities;

- It prohibits the transfer of arms that counter international law and establishes a mechanism for risk evaluation prior to exporting arms in order to prevent the risk of misuse of arms;
- It establishes mechanisms for dialogue between possible trade partners, including the option of adopting measures to mitigate risk as well as concrete measures to prevent the diversion of weapons to the illegal market and, should such diversion occur, to respond with greater efficiency;
- It mandates the presentation of periodic reports on the transfer of arms as well as the maintenance of a national control system to regulate exports;
- It promotes greater transparency in the international trade in conventional arms.

Moreover, the Arms Trade Treaty recognizes the following principles:

- The inherent right of all States to individual or collective self-defence, as recognized in Article 51 of the Charter of the United Nations;
- The settlement of international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, pursuant to Article 2(3) of the Charter of the United Nations;
- Refrain in international relations 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, pursuant to Article 2(4) of the Charter of the United Nations;
- Non-intervention in matters which are essentially within the domestic jurisdiction of any State, pursuant to Article 2(7) of the Charter of the United Nations;
- Respecting and ensuring respect for international humanitarian law, pursuant to the 1949 Geneva Conventions, the Charter of the United Nations and the Universal Declaration of Human Rights, among other instruments;
- The responsibility of all States, pursuant to their respective international obligations, to effectively regulate the international trade in conventional arms, and to prevent their diversion, as well as the primary responsibility of all States to establish and implement national control systems;
- Respect for the legitimate interest of States in acquiring conventional arms to exercise their right to self-defence and for peace-keeping operations, and to produce, export, import and transfer conventional arms.

All regions of the world have suffered the consequences of the diversion of arms from legal trade to illegal trade. Weapons have been used to commit crimes against humanity, genocide, and war crimes as defined in international agreements. They have also been used in national and transnational organized crime. This has cost hundreds of thousands of lives, damaged economies, destroyed families and spread violence and fear among our peoples and cities.

Suffering has also been caused when weapons are used in violation of international humanitarian law and human rights law.

This is why the international community has embraced the Arms Trade Treaty, which has so far been signed by more than 100 countries; however, it depends on us, the legislators, to ensure that the Treaty is ratified by 50 States so that its entry into force may soon become a reality.

Mexican parliamentarians consider this instrument to represent a very valuable step forward. However, it is insufficient to combat the violence and deaths caused by small arms and light weapons. In the near future, the international community must strengthen cooperation regarding the exchange of intelligence and ballistic registers so as to detect and eliminate routes for clandestine arms trafficking, and prevent weapons reaching the hands of criminals and terrorists. This step should be the natural consequence of the Treaty's ratification and entry into force.

Mexico, one of the countries that has already ratified the Treaty, wishes to propose that the IPU include in the agenda of the 129th Assembly this emergency item on promoting universal ratification of the 2013 Arms Trade Treaty, with a view to beginning, as soon as possible, the process of regulating the trade in arms and thereby reducing violence in our countries and preserving the right to life and peace.

PROMOTING UNIVERSAL RATIFICATION OF THE 2013 ARMS TRADE TREATY

Draft resolution submitted by the delegation of MEXICO

The 129th Assembly of the Inter-Parliamentary Union,

- (1) *Profoundly concerned* by the violence in the world, the power of transnational organized crime and the alarming homicide index caused by firearms,
- (2) *Alarmed* by the diversion of conventional weapons from the legal to the illegal trade,
- (3) *Interested* in employing the best legal tools available to regulate trade in conventional arms, including small arms and light weapons, as well as ammunition, parts and components, and all international trade activities in this matter,
- (4) *Considering*:
 - (a) the approval of the Arms Trade Treaty in New York, on 2 April 2013, by the United Nations General Assembly, and its opening for signature on 3 June 2013 for ratification,
 - (b) that the Treaty, pursuant to Article 21.1, shall be open for signature at United Nations Headquarters in New York by all States from 3 June 2013 until its entry into force,
 - (c) that the Treaty, pursuant to Article 21.2, is subject to ratification, acceptance or approval by each signatory State,
 - (d) that the Treaty, pursuant to Article 21.4, states that the instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary,
 - (e) that the Treaty, pursuant to Article 22.1, shall enter into force ninety days following the date of the deposit of the fiftieth instrument of ratification, acceptance or approval with the Depositary,
5. *Reaffirming full commitment* to peace and strict respect for human rights, to combating organized crime and to preserving the rule of law,
 1. *Resolves* actively to condemn the use of violence under any circumstances whatsoever, urging that peace, legality and respect for human rights be sought;
 2. *Expresses satisfaction* at the approval of the Arms Trade Treaty in New York, on 2 April 2013, by the United Nations General Assembly and its opening for signature on 3 June 2013;
 3. *Promotes* the prompt signing and ratification of the Arms Trade Treaty by all States that have not yet done so, for its entry into force as soon as possible;
 4. *Urges* parliamentarians to adapt their internal legislation as soon as possible to ensure appropriate application of the provisions contained in the Arms Trade Treaty;
 5. *Requests* the IPU to forward this resolution to all its Member Parliaments, Associate Members and Observers, and to other international organizations.