

The Arms Trade Treaty: Finally in Force

On 24th December 2014, the Arms Trade Treaty will become the first legally binding instrument at a global level regulating the arms trade. This Treaty establishes a greater transparency in arms transfers between states, and must then enable to combat against the diversion of arms to illicit market, trafficking, which fuels conflicts and armed violence phenomena around the world.

This is a valid justification of more than a decade of pressure and campaigning with determination by civil society, as well as negotiations by the international community to provide the world with an effective instrument to control arms transfer.

On 2 April 2013, the UN General Assembly had finally adopted the Arms Trade Treaty (ATT). 24th December 2014, this treaty is entering into force and becomes one of the texts of international law; this will have huge positive impacts for the protection of human rights and humanitarian law. The issue of weapons' proliferation is not only a safety concern; it is also a question of human rights and development.

It will appear inconceivable or impossible in the present century to talk about war without firearms; it's an unexpected event as firearm has become the main element of wars. But in the history of weapons in wars, weapons of obstruction are the first to have appeared to allow protection from projectiles,

before the weapons of destruction and other weapons appear which has become a real threat to peace.

Weapons play a key role in the commissioning of serious violations of human rights, even if weapons do not cause conflict, it is clear that they prolong and intensify.

However, since 1864 rules were put in place to meet some standards during wartime. International humanitarian law (IHL) is a set of rules that, for humanitarian reasons, seek to limit the effects of armed conflict, and protects those who are not or no longer fighting and restrict the means and methods of warfare.

If the Geneva Conventions and the Hague Conventions lay down the principles and require belligerents some rules of war, however, up to the date of December 24, 2014 no rules of international law were set on weapons' ownership which in principle are essential tools in this century warfare.

The date of 02 April 2013 has been marked as huge step forward for humanity in protecting human lives. As it is obvious, weapons transfer control it's saving lives and promote development.

The Arms Trade Treaty which enters into force this December 24, 2014 will bring a light on the activities of arms transfers prior to be used.

Both articles 6 and 7 of this Treaty are the keystone in the framework of international peace and security, human rights protection and transparency on arms transfer. These articles raise the limits of the principles laid down by the treaty so consequently a State may be held liable in non-compliance of these restrictions.

The treaty will challenge states for their responsibility in the arms transfer framework since it is certain that the international community want to keep its responsibility to protect.

History shows that more than once, the international community had failed in its duties; the case of Rwanda where weapons were circulated freely in the beginning of 1994 with the consequences as so severe that repair appears difficult if not impossible. Also it was the case of Darfur, Colombia, Sri Lanka, nowadays in Ukraine and Syria.

Therefore the treaty stands out as an instrument for peace, which, under Article 1 of the UN Charter, this treaty set the way if not to realise the main objectives of the United Nations but it will serve as a major asset to peace issues throughout the world.

Hence, under Articles 23 – 24 – 25 and 26 of the UN Charter, permanent member states will endeavour that this treaty to gather greater support among UN member states. Weapons being instruments of human lives destruction, the Arms Trade Treaty is not intended to rationalise wars. The peaceful settlement of disputes provided in Article 2 - 3 of the United Nations Charter should be observed as a principle to resolve disputes between States, and also in the case of internal conflicts.

The quest for peace must be observed by the States, the coming into force of the Arms Trade Treaty cannot come to disrupt this dream. Therefore, the United Nations will also ensure that States can engage in the logic of peace and international security at different levels; internal, sub-regional, regional and international.

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