



CABINET MEMORANDUM

From: Hon Dr George W. Vella, Minister for Foreign Affairs
To: Cabinet
Date: 27th January 2014
Subject: Ratification of the Arms Trade Treaty (ATT)

1. Background and scope of the Arms Trade Treaty

United Nations Resolution 61/89, adopted in 2006, initiated the process leading to the Arms Trade Treaty (ATT). The scope of the ATT is to contribute to international and regional peace, security and stability by regulating the international trade in conventional arms, increasing transparency whilst combating the illicit arms trade. The ATT creates common international standards for transfers of conventional weapons and requires State Parties to review all arms exports to ensure that conventional arms and munitions will not be used inter alia in human rights abuses, terrorism and violations of humanitarian law.

2. Adoption and Signature of the Treaty

The Treaty was adopted by qualified majority on 2 April 2013 by the United Nations General Assembly in New York. The majority of United Nations Members agreed to open the signature of the Treaty on 3 June 2013.

All European Union Member States have now signed the Treaty and are carrying out internal procedures for ratification. Malta signed the ATT in New York on 3 June 2013. The Treaty will enter into force upon the 50th ratification.

3. Consultation procedure

MFA has carried out consultations with interested stakeholders, being MHAS (Police, Defence, Weapons Board, Justice and Home Affairs) MFIN, OPM (Justice), and Trade and Customs departments, whereby all entities have confirmed their Ministries' consent to ratify the ATT.

4. Procedures required by the EU for the ratification process

Since the ATT includes areas of mixed competences, i.e. the Treaty falls partly within the exclusive competence of the European Union and partly within the competence of the Member States; it is necessary that the European Union provides its authorisation to the Member States to ratify the ATT. This procedure requires the consent of the European

Parliament followed by an adoption of a Council Decision authorising Member States to ratify the Treaty with respect to those matters falling under the exclusive competence of the Union.

The European Parliament is currently undertaking the necessary internal procedures to provide its consent, which will then be adopted by a vote in plenary. Once Parliament provides its consent, the Council of Ministers shall proceed with adopting the Council Decision, which is envisaged for the end of February 2014.

The European Union is taking a leading role in promoting the entry into force of the Treaty.

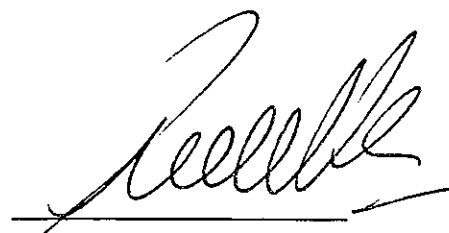
5. Recommendation

It is proposed that Malta forms part of the first group of European Union Member States to ratify the ATT. It is my Ministry's understanding that CAP. 304 is not engaged. However, ratification of the ATT should take place with the provisions of Art 4(2)(b) of CAP.460 of the European Union Act.

Following consultations with the Office of the Attorney General, it is my Ministry's understanding that with regard to **treaties and international conventions which Malta may accede to as Member State of the European Union, and treaties and international conventions which Malta is bound to ratify in its own name or on behalf of the European Community by virtue of its membership within the European Union**, then by Article 4(2)(b) of CAP.460 these shall come into force one month following their being submitted in order to be discussed by the Standing Committee on Foreign and European Affairs (or any such Standing Committee from time to time substituting the same).

Considering that reference is made solely to the treaty or international convention in question "com[ing] into force one month following their being submitted in order to be discussed by the Standing Committee on Foreign and European Affairs", it can be taken that the referral to the Standing Committee for discussion may take place either before or after a cabinet decision to ratify has been taken.

Accordingly, this matter is being referred to Cabinet, following which it is suggested that ratification of the ATT should be discussed for information purposes with the Standing Committee on Foreign and European Affairs along the lines of Article 4(2)(b) of the European Union Act.



Hon. Dr George W. Vella
Minister for Foreign Affairs