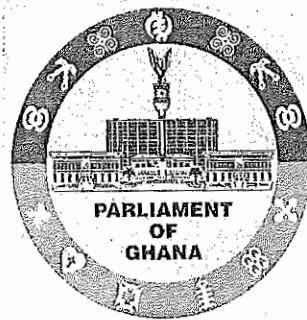


**IN THE SECOND MEETING OF THE THIRD
SESSION OF THE SIXTH PARLIAMENT
OF THE FOURTH REPUBLIC OF GHANA**



**REPORT OF THE JOINT COMMITTEE
ON
DEFENCE & INTERIOR
AND
CONSTITUTIONAL, LEGAL &
PARLIAMENTARY AFFAIRS
ON THE ARMS TRADE TREATY (ATT)**

JULY, 2015

Acc No: 3219 G

Class No: CR/ATT/15

1.0 INTRODUCTION

1.1 The Arms Trade Treaty (ATT) was presented to Parliament by the Hon. Deputy Minister for the Interior, Mr. James Agalga on Wednesday, 13th May, 2015 seeking approval for ratification. In accordance with Article 75 (2) of the 1992 Constitution and Orders 158 and 179 of the Standing Orders of the House, the Rt. Hon. Speaker referred the Treaty to the Joint Committee on Defence and Interior and Constitutional, Legal and Parliamentary Affairs for consideration and report.

1.2 The Committee expresses gratitude to the Hon. Deputy Minister for the Interior, Mr. James Agalga and officials from the National Commission on Small Arms, the Attorney-General's Department and West Africa Action Network on Small Arms, who were in attendance to assist the Committee in its deliberations.

2.0 REFERENCE

2.1 The Committee referred to the following documents during its deliberations.

- i. The 1992 Constitution
- ii. The Standing Orders of Parliament
- iii. The Arms Trade Treaty
- iv. The ECOWAS Convention on Small Arms and Light Weapons, their Ammunition and other Related Materials.

3.0 BACKGROUND

3.1 The Arms Trade Treaty (ATT) is a multilateral legally binding treaty that is expected to create common standards for exports, imports, transit, trans-shipment and brokering referred to as 'transfer' and to regulate the international trade in conventional arms from small arms to battle tanks, combat aircraft and warships.

The United Nations General Assembly adopted the text of the treaty on 2nd April, 2013. The Republic of Ghana became the 91st signatory to the Arms Trade Treaty on September 24, 2013.

3.2 Absence of a common international standard on the import, export and transfer of conventional arms creates a ‘free market’ system without any checks. Inadequate controls on arms trade and transfers have led to widespread availability and misuse of weapons. It also remains a major cause of devastating armed conflict, violence, terrorism, crime and its resultant displacement of persons.

3.3 As of May 2014, 118 states have signed the Treaty and 41 have ratified it. Three African States namely Mali, Nigeria and Burkina Faso are among the 41 that have ratified the Treaty. It is necessary for the government of Ghana to ensure that the Arms Trade Treaty is ratified to provide for a concrete, common, binding minimum requirement for global arms trade as well as minimum criteria for the national control system.

4.0 OBJECTIVE OF THE TREATY

4.1 The main objective of the Treaty is to ensure some standardization in arms trade and transfer so as to foster peace and security by thwarting uncontrolled arms flows to conflict regions and potential conflict zones. This will prevent human rights abusers and violators of the law of war, from being supplied with arms. It will also prevent warlords, pirates, and gangs from acquiring conventional arms to destabilize regions.

4.2 Accordingly the treaty is to reduce human suffering by establishing the highest possible common international standards for regulating or improving the regulation of the international trade in conventional arms.

5.0 OBSERVATIONS

5.1 The Joint Committee observed that the ATT in clamping down on the illicit sale of weapons will play a vital role in curbing the proliferation of arms that gives rise to criminality, conflict and terrorism. High incidence of crime and insecurity undermines development, fuels conflict, and exacerbates poverty, sexual and other forms of gender-based violence as well as violence against children.

5.2 The Joint Committee observed the need to designate a competent National Authority/Focal Agency responsible for the implementation of the Treaty and for exchanging information related to it. Furthermore, that the provisions of the Treaty are expected to be adopted into our municipal laws and smoothly implemented locally.

5.2.1 The Joint Committee recommends the following:

- a.** That the Small Arms Commission should be made the Focal Agency for the implementation of the ATT. Creating another institution to facilitate the implementation of the ATT will create a financial burden for the State.
- b.** That the mandate of the Commission should be expanded to include items covered in Article 2 of the ATT.
- c.** The name of the Commission should therefore be changed from the Ghana National Commission on Small Arms and Light Weapons to the 'Ghana Arms Commission' to reflect the expansion of its mandate.

5.5.2 The Commission already has the structures in place for performing similar functions on behalf of Ghana such as reporting on Ghana's obligations on:

- a). ECOWAS Convention on Small Arms.
- b). United Nations Program of Action on Arms
- c). International Tracing Instrument
- d). The Mines Ban Treaty
- e). Cluster Munitions Convention
- f). Convention on Certain Conventional Weapons

5.3 The Committee noted that the ATT will foster peace and security since it will limit uncontrolled arms flow to conflict (and potential) zones in Ghana. This will enable individuals to carry out their economic activities without lets and hindrance and thus lead to creation of more internal wealth for the state.

6.0 CONCLUSION

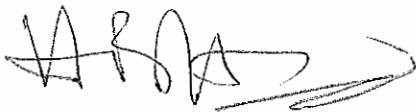
Hundreds of people around the globe suffer from direct and indirect consequences of irresponsible arms trade. Several are killed, others injured, many are raped, and/or forced to flee from their homes, while others live under the constant threat of weapons.

The poorly regulated global trade in conventional arms and ammunition fuels conflict, poverty and human rights abuses. The situation is compounded by the increasing globalization of the arms trade, with components being sourced from across the world, and production and assembly in different countries, and with little or no control. While existing national and regional controls are important, these are not enough to stop irresponsible transfers of arms and ammunition between countries.

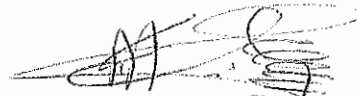
In relation to the above, it has become necessary for the government of Ghana to ensure that the Arms Trade Treaty is ratified to provide for a concrete, common, binding minimum requirement for global arms trade as well as minimum criteria for the national control system.

In line with Ghana's foreign policy of promoting regional and global peace and security, the Joint Committee on Defence and Interior and Legal and Constitutional Affairs, recommend to this august House, the adoption of its report and the ratification of the Arms Trade Treaty (ATT).

Respectfully submitted.



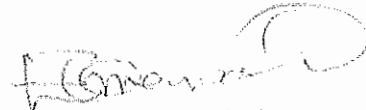
HON. FRITZ BAFFOUR
Chairman, Committee on
Defence and Interior



HON. MAGNUS AMOATEY
Chairman, Constitutional, Legal
& Parliamentary Affairs Committee



GLORIA SARKU KUMAWU
Clerk, Committee on
Defence and Interior



ERIC OWUSU MENSAH
Clerk, Constitutional, Legal
& Parliamentary Affairs Committee

JULY, 2015