

13103045D

SENATE JOINT RESOLUTION NO. 325

Offered January 9, 2013

Prefiled January 9, 2013

Memorializing the President of the United States and the United States Senate to not ratify the United Nations Arms Trade Treaty.

Patron—Martin

Referred to Committee on Rules

WHEREAS, in July 2012, the United Nations Conference on the Arms Trade Treaty convened to negotiate the text of the Arms Trade Treaty; and

WHEREAS, in November 2012, the First Committee of the United Nations General Assembly voted to hold a final negotiating conference on the Arms Trade Treaty in March 2013, on the basis of the text of July 2012; and

WHEREAS, concerns exist about potential risks and burdens to the United States and the protection of individual rights to keep and bear arms and engage in hunting, sports shooting, and other activities if the Arms Trade Treaty is signed by the President and ratified by the United States Senate; and

WHEREAS, an Arms Trade Treaty that has not been signed by the President and received the advice and consent of the Senate should not bind the United States in any respect as customary international law or any other principle of international law that bypasses the treaty power in Article II, Section 2, Clause 2 of the United States Constitution; and

WHEREAS, an Arms Trade Treaty that has merely been signed by the President but has not received the advice and consent of the Senate should not bind the United States in any respect, including any obligation to refrain from defeating the object and purpose of the Arms Trade Treaty, under any provision of the Vienna Convention on the Law of Treaties, to which the United States is not a party; and

WHEREAS, an Arms Trade Treaty that has merely been signed by the President but has not received the advice and consent of the Senate should not bind the United States in any respect, as an international agreement other than a treaty, as a sole executive agreement, or in any other way; and

WHEREAS, an Arms Trade Treaty that has been signed by the President and has received the advice and consent of the Senate is a non-self-executing treaty that has no domestic legal effect within the United States, unless and until it has been adopted by the enactment of implementing legislation by the Congress; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the President of the United States and the United States Senate be urged to not ratify the United Nations Arms Trade Treaty; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Virginia Congressional Delegation so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

INTRODUCED

SJ325