



Open Ended Working Group on The Arms Trade Treaty
Statement By The United Kingdom
Ambassador John Duncan.

Second UN Open-Ended Working Group meeting on an Arms Trade Treaty.

UK intervention, New York, 15 July 2009

Mr Chairman,

As we draw to the close of our discussions at the second of our meetings of the Open Ended Working Group on the Arms Trade Treaty I would like to share with colleagues the United Kingdom's perspective on what has been an interesting and thorough discussion of this issue and respond to some of the points raised.

Colleagues will have noticed the UK has not sought to take the floor. Our aim this week has been to listen and consult, both in the plenary meeting and in the many one on one discussions we have had with supporters and agnostics outside the formal confines of our meeting.

The UK position can be summed up as a recognition that the status quo of a multiplicity of national and regional arrangements for the arms trade is not fit for purpose in an interconnected globalised economy. The failure to deal effectively with the challenge of the 21st century market place is having a serious effect on our collective effort to maintain international security, uphold the norms of international behaviour, while promoting trade and develop the world's poorest communities. The devastating humanitarian and economic impact is unacceptable.

This week a number of colleagues have asked why and how an ATT will address the problem of unregulated arms trade when existing national and regional systems have not been able to do so.

It is not that the existing regional and national arms export control systems are not good enough or strong enough; it is that they are variable in coverage and application. This means that they do not give complete global coverage and are often incompatible with each other. This creates confusion and gaps that are being exploited, increasing the risk that arms pass onto the illicit market. The purpose of an ATT would be to close the gaps between the existing national and regional instruments to provide a new global architecture.

During this week we have discussed a variety of proposals for how such a mechanism might work. While the devil is in the detail, the concept is in reality quite a simple one. The heart of an ATT is that it will be an agreement by all states to undertake a risk evaluation against a set of agreed criteria before they authorise the export of arms under their national control.

The criteria themselves are also relatively self-evident.

All the nations in this room have signed up to at least one of the international conventions on human rights and the conventions governing the use of weapons in armed conflict. The task of the responsible exporter is to evaluate the risk that the recipient might misuse the weapons being sold in a way that would undermine the objectives of these international agreements.

The process of risk evaluation is not an assessment of an importing country's human rights record, but the risk that a particular export might be misused. So, it is an assessment of the risk that arms transfers are likely to be used for serious violations of international human rights law and international humanitarian law.

An ATT would not create new IHL or HR obligations, but provide the mechanism to ensure that everyone – exporters and importers act - in accordance with these obligations when authorising arms transfers. The United Kingdom, as one of the world's major arms exporters has explicitly applied such criteria in our arms export policy for over a decade.

Other equally valid and obvious criteria have been mentioned by colleagues such as the risk that the recipient might deliberately divert, or be unable to prevent diversion of weapons into the illicit market.

Clearly there are many arguments in favour of an ATT, but we need to broaden our horizons a little. It should not be viewed as a disarmament or arms control instrument. It is a new way for the international community to address the inter-relationships between conflict, poverty, development, human rights and trade.

The United Kingdom places considerable importance on making progress on the Millennium Development Goals. This is why we include the criteria of sustainable development in our national criteria, as do other major exporters. We expect that others both developing and developed countries would agree the importance of this criteria in the future international framework for regulating the arms trade.

Seven out of the top ten major arms exporting states already support the establishment of an ATT. While it is important that major exporters and

producers be involved, it is equally important to recognise that all states can become arms exporters as they dispose of second hand or surplus stocks.

Arms brokers do not need to base themselves in the countries of manufacture and as happened with money laundering, the unscrupulous will deliberately seek out countries with weaker levels of control in order to carry out trade that would be illegal elsewhere. This is the risk of ineffective control in a globalised market place.

Let me pause awhile on the issue of the illicit trade. We have heard suggestions that the ATT should focus on illicit trade. It is difficult to understand what is meant by this proposal. There is no such thing as regulated illicit trade. We don't want any such trade to take place at all. Nor is the ATT about combating organised crime. It is about better regulation of legal activity to close down the avenues through which criminals and terrorist acquire weapons.

A number of colleagues have asked whether an ATT needs to be a legally binding instrument. Others have suggested that the UN Security Council might be better placed to issue the legally binding directive to ensure that states apply effective national controls over the conventional weapons exports.

There are two points here: Firstly, we do not believe it appropriate for the UNSC always to act as a legislature for the international community. 153 states have said that they want to engage in a joint endeavour to raise standards in the arms trade. We should respond to this.

Secondly, many states require an international legal instrument before they can give effect, in their national legislation, to obligations accepted at international level. So the issue is a practical one, not merely a political one.

An ATT should be a legally binding instrument but one that is enforced through national legislation: it would establish high global standards that would create the legal obligation for States Party to apply the high common standards it contains in their own national export controls.

Mr Chairman

As we move forward it is important that states listen and continue to engage their civil society, but to expand this to industry, and to a range of other interested parties, but that does not mean that their foreign policy decisions are based only on the views of any one of these stakeholders.

The two weeks of discussion this year have been helpful and important. Helpful because we have been able to develop collectively a wider understanding of why the world community needs to improve the regulatory framework for the arms trade and how we might approach the problem. Important because that discussion has involved all states, manufacturers, exporters and importers allowing us to clarify and demystify what is nonetheless a complex issue.

The United Kingdom agrees with the sentiment of our US colleagues that we need to move on to a more in-depth and focussed discussion and we need to set aside sufficient time to do so. The issues, as with so much of our modern agenda, are complex, but the solutions do not necessarily need to be so. If all countries applied the same thorough risk evaluation against agreed common criteria, this in itself would be a huge step forward.

Thank you.