

Open Ended Working Group On ATT
Goals and Objectives of a feasible Arms Trade Treaty

United Kingdom Statement by Ambassador John Duncan
3 March 2009, New York

Mr Chairman,

Yesterday I made a relatively short intervention to address some of the points raised in our opening discussion.

This morning I would like to make a more formal statement for the record, since it has become increasingly clear that despite extensive discussion in the UNGA First Committee in both 2006 and 2008, the goal of an ATT, ie the fundamental purpose of such an exercise and the problem that it is attempting to address may still not be clear to some distinguished members in the room.

As I mentioned yesterday much of the United Kingdom view is contained on the UK Foreign Office website, which also provides links to the UK's detailed submission to the UN Secretary General in 2007 and to a number of the speeches we have made on the issue.

But let me provide a brief overview.

Much of the task that we as representatives of our countries engaged in modern multilateral diplomacy, are engaged in concerns a common strategic question, namely

Are the international institutions and structures adequate for the challenges of the 21st century?

As several colleagues mentioned yesterday the fundamental purpose of these international institutions is clearly set out in the UN Charter

Some argue that many of our institutions broadly meet the purpose for which they were originally designed. However if true this would be quite remarkable since the international environment (the world in which we live) has changed radically over the past two decades, for example from the way we communicate to the countries that we buy the goods for our homes and the clothes we wear from, to the way we wage war.

In such a situation the idea that no up-dating and readjustment of international institutions and the way they operate will be required frankly lacks credibility. Any visitor to the UN would observe that it is in fact the exercise we are all engaged in across the international policy spectrum.

So what is the international problem that we are specifically trying to address that might be met by an Arms trade Treaty?

Again this is set out on UK Foreign Office website and in the many statements we have made in First Committee and elsewhere. But let me briefly recap:

Despite the end of the Cold war some 20 years ago the world community did not experience an end to conflict. Unfortunately there was no New World Order of Peace and Stability. On the contrary we have experienced an upsurge in wars and civil strife.

In our efforts to address this upsurge of violence we have been confronted by the fact that insurgents, terrorists and criminals have found it relatively easy to obtain access to weapons with which to fight the forces of law and order, whether those are UN peacekeepers, or our national military and police forces.

Not only have insurgents and others found it easy to obtain weaponry but the quality and sophistication of the weapons they can obtain has increased.

The problem is not only that opponents of law and order are increasingly able to frustrate our efforts, but the wider impact on our efforts to build a better life for the citizens of the worlds poorer nations under the Millennium Development Goals is being seriously compromised.

The extent of this conflict and strife is perfectly evident. I doubt that anyone in this room seriously seeks to suggest that there is no problem to be addressed. The question revolves around how best to do so.

During our discussions over the past two years some delegations suggested that all we need to do is make sure that nations implement their existing commitments. However none of the colleagues who advocate this line have satisfactorily explained how this is to be achieved. Simply wishing for a better world where terrorists and non state actors refrained from committing some of the worst human rights abuses ever seen, is very unlikely to achieve that result.

As our Russian colleague noted yesterday we are not able to ensure that UN Security Council resolutions such as arms embargos are effectively implemented. One way of dealing with this would be to give increased power to the Security Council. But I wonder whether that is what the world community really wants to do.

The problem is, as we have explained and as any outside observer would confirm, the existing architecture of regulation of the international arms trade is simply not working. Indeed as UK FS David Miliband has commented there is no international regulation of the arms trade.

Consequently in the absence of an internationally agreed mechanism for regulating the arms trade it is not really surprising that even legal binding UN embargos are not as effective as we would like.

At the discussions in the GGE last year a number of colleagues asked for details of what regimes and instruments existed. UNIDIR helpfully drew up a study which explained the structures which have been agreed thus far. I would encourage colleagues to read this study, which can be downloaded from the net.

The report showed that there is a wide range of instruments, but that existing regional and national arms export control systems don't give complete, global coverage and are often inconsistent with each other – this creates gaps that, not surprisingly, allow diversion to occur and are indeed being exploited so arms can pass onto the illicit market.

In fact these efforts to confront the problem have also led to unintended consequences for the arms industry, in particular

- Limiting the possibility for greater international collaboration and production in the legitimate arms trade
- and cause delays to the approval of legitimate exports.

Mr Chairman

In considering the issue before us today namely the Goals and Objectives for a feasible ATT, the first issue to accept that there has been and is a problem of an upsurge in armed violence and conflict over the past two decades and that the current instruments and regimes are clearly not working.

This is a global problem. With perhaps the exception of North America, no continent has escaped this scourge during the past two decades. The arms industry like almost all other industry in the 21st century is a global one. This suggests that the response is also going to be global.

However it is also important to recognise what an ATT is not .

It is not:

- a disarmament treaty
- concerned with domestic or national policies on gun ownership
- intended to affect any state's sovereign right to self-defence and its acquisition of arms to do so
- intended to affect the right of a state to decide nationally how to implement their arms export controls providing the achieve a common standard.

An Feasible ATT would be an international effort to deal with a real world issue: that the absence of common international standards on the import, export and transfer of conventional arms is a contributory factor to conflict, the displacement of people, crime and terrorism, thereby undermining peace, reconciliation, safety, security, stability and sustainable development”

Part of this exercise is also to recognise that the arms trade is an economic activity and thus susceptible to economic pressures and dynamics. Consequently we should learn from the success of other measures such as the Kimberly Process or Blood diamonds, where we recognised that business could be encouraged to behave in a responsible manner and not engage in activities that undermined security. This a theme we will return to at a later time.

Mr Chairman under your guidance we have engaged on a path that will allow us to develop a better understanding and identify the elements of consensus, as mandated by the General Assembly, that will allow us to move forward. No-one should doubt our commitment or the need to achieve that result.