



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

Consideration of Parameters for a Potential Arms Trade Treaty

Mr Chairman,

In my earlier interventions on the scope of an ATT, I spoke of how we see the ATT as a new type of treaty that is aimed at providing a solution to a 21st century problem: that is, a treaty that responds to today's and tomorrow's real world challenges. Consequently we think that parameters – which are how an ATT is implemented - should help to provide that solution.

Parameters of an ATT are the key part of the process and indeed the basis on which the risk of exporting is evaluated. States would make this evaluation using the criteria we would all have agreed upon in an ATT.

Our task over the coming months is to decide what these criteria, the parameters of an ATT, should be.

We are not suggesting that we should create new obligations, but that we – and by we I mean both exporters and importers - should apply our existing international obligations and commitments to the global and international trade in arms. In the UK view this is the heart of an ATT.

We are not suggesting that an ATT would be used to create a list of states to which arms should or should not be exported. We are firmly against the ATT being used in this way.

Our view of an ATT is that each individual export should be considered on its own merits, on the basis of a state's international obligations and commitments, for example a state's obligations under:

- The United Nations Charter, including the need to comply with Security Council Resolutions
- The Convention on the Prevention of and Punishment of the Crime of Genocide
- The Convention against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment
- The International Covenant on Civil and Political Rights
- The International Covenant on Economic, Social and Cultural Rights
- The Geneva Conventions and associated Protocols

These obligations and commitments include those that states have accepted on international human rights and international humanitarian law, conflict resolution and promotion, sustainable development and the MDGs and so on.

But we cannot regulate the arms trade only on the basis of broad principles. We need to be much more specific in how we apply our obligations that arise from these instruments. This is needed to provide clarity for industry and our licensing authorities, as well as the transparency that all participants in the arms trade require. For this reason, the United Kingdom would suggest that an ATT needs to set out clearly the conditions that States must apply when considering a transfer.

The United Kingdom would suggest, while bearing in mind the right of all States to arm themselves for self defence, that the key considerations, for importing and exporting States, and for other States involved in the transfer of an item, must be whether the proposed transfer would, or that there is a risk that it would: -

- Breach any international or regional commitments
- Be diverted to a use which would breach any international or regional commitments
- Be used in the commission of serious violations of international humanitarian or human rights law.
- Be used in the furtherance of terrorist acts.
- Be used to provoke or exacerbate internal or regional conflict.
- Be used to destabilise countries or regions
- Seriously undermine the economy or hamper the overall development of the importing State.
- Be diverted to one of the above uses.

These key considerations, or criteria, cannot be applied as a blunt instrument, but have to be used on a case-by-case basis. What does this mean?

It means that as far as the UK is concerned an export licence will not be issued and the export will not go ahead if the arguments for doing so are outweighed by the need to comply with the UK's international obligations or commitments. What this boils down to in our own system for example, is a risk assessment that takes into consideration, for example (the list is not comprehensive):

- the nature of the equipment itself, and what it can do;
- how the importer intends to use the equipment;
- the security situation on the ground in the end-use country and region;
- how such equipment may have been used in the past by that end-user in that country;

All of the above is then used to form an assessment of the degree of risk that the export could lead the UK to breach its own criteria. So this is not a blanket ban on all exports to a particular country, but a way to control very selectively what equipment can reach which end-user. This does not stop states from acquiring arms for legitimate self-defence, but the UK will not export arms if to do so would put us in breach of our international obligations.

Mr Chairman, we know that the ATT is a very complex issue. But in essence what we are talking about is for every state to have in place and to use a process, which regulates the arms trade effectively and consistently. States will retain their sovereign rights in making export licensing decisions. This is precisely what our distinguished US Colleague has just called for urging that we translate broad principles into practical proposals.

Thank you Mr Chairman

New York
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