



General Assembly

GA/11354

United Nations

Department of Public Information • News and Media Division • New York

Sixty-seventh General Assembly
Plenary
71st Meeting (AM)

Note: A complete summary of today's General Assembly Plenary meeting will be available after its conclusion.

Background

The General Assembly met this morning to take action on a draft resolution entitled The Arms Trade Treaty (document A/67/L.58).

Opening Statements

President of the General Assembly, VUK JEREMIĆ (Serbia), recalled that last week, the Final United Nations Conference on the Arms Trade Treaty had come within reach of a consensual text, but regrettably, it had not been possible to finalize an agreement. The historic dimension of today's meeting was reflected by the fact that a resolution with an attached treaty text regulating the international trade in conventional arms was — for the first time — the subject of action in the Assembly Hall.

As such, he thanked the President of the Final United Nations Conference, Peter Woolcott (Australia), "for getting us so close to the finish line", as well as his predecessor, Roberto García Moritán (Argentina) for his "tireless efforts". He also recognized the key role played by United Nations Secretary-General Ban Ki-moon in ensuring that this critical issue remained at the top of the agenda in "our overly armed world".

He recalled that, in 2006, States had pledged — in this very chamber — to engage in a multilateral effort to produce a legally binding instrument, establishing common standards for the import, export and transfer of conventional arms — including warships and battle tanks, combat aircraft and attack helicopters, as well as small arms and light weapons.

"I, personally, believe that the final text of this conference meets those commitments to a great extent," he said, adding that the lack of a regulatory framework for such activities had made a "daunting" contribution to ongoing conflicts, regional instabilities, displacement of peoples, terrorism and transnational organized crime.

The final text underscored that point, he said. It also drew a link between the presence of weapons across the developing world and the challenges of sustainable development and safeguarding human rights. "The final text is, in my view, robust and actionable," he said. "It is also, in many ways, groundbreaking." It indicated that arms-exporting countries would be legally bound to report arms sales and transfers. They would also be obliged to assess whether the weapons they sold could be used to facilitate human rights abuses and humanitarian law violations.

That would be an important step towards enhancing transparency and strengthening accountability mechanisms of the legitimate arms trade, which today's text explicitly reaffirmed was within the sovereign rights of all States, he said. The final text also respected and protected the rights of its signatories to regulate the buying and selling of conventional armaments, domestically and

internationally, as well as the primacy of national legislation in defining the conditions under which their citizens could own and operate arms.

While the text of an arms trade treaty marked an important step forward, much work remained to be done in the areas of arms control and international disarmament, he said. For the United Nations to continue to play a key role in assisting countries in establishing or improving their arms control systems, he urged progress in the Conference on Disarmament, which had not made significant gains for more than a decade. For a treaty to be effective, States would need to keep working together to fulfil its goals. In closing, he expressed hope that “we will all continue with our efforts to bring an arms trade treaty into being”.

PETER WOOLCOTT (Australia), Conference President, recalled that since his endorsement as President-designate of the Final Conference at the informal consultation in New York on 20 November 2012 and throughout the Final Conference itself, he had articulated “a single goal” — an open and transparent process towards a consensus outcome on an arms trade treaty which, if implemented, would make a difference by reducing human suffering and saving lives.

It was unfortunate, he said, that the Conference could not fully achieve that goal. On Thursday, 28 March, he had ruled that there had not been a consensus in the Conference for the adoption of the negotiated treaty text contained in the annex of document A/CONF.217/2013/L.3 due to the objections of Iran, Democratic People’s Republic of Korea and Syria. Nonetheless, that result should not diminish what had been achieved at the Conference, nor the efforts of delegations since the final day of the July 2012 Conference in working hard to bridge differences and achieve a treaty. The open and transparent process of the Conference just concluded had been conducive to that end.

He said he had conducted a series of consultations in New York, Geneva and other places, listening to the views of Governments in bilateral, regional, group and open-ended meetings. Throughout consultations, he had been clear about how the process would be conducted and “I offered no surprises”, he said. Each text introduced had built on the previous one and had represented a fair expression of negotiation, compromise between many different interests in the room, and ultimately, what might command consensus at the end of the Final Conference.

The process had two key elements designed to ensure firstly, that views could be narrowed in a negotiating setting, and secondly, that there would be confidence in the legal quality of the final product. “I am indebted to the cross-regional group of facilitators who led delegations through complex issues, sometimes late in the night,” he said.

“Ultimately, all delegations came together during the Final Conference, working hard and negotiating in a constructive manner and looking for success,” he continued, adding that the different interests and perspectives in the conference room had required delegations to work through complex issues. Their commitment across the arc of negotiation had been truly impressive; they had wanted a strong outcome.

“In the end, the Conference came very close to success,” he said, noting that the final draft text was a compromise draft representing the broadest possible input of delegations. It would make a difference to the broadest range of stakeholders: it would establish new common international standards in the conventional arms trade; and it would set up a forum — the Conference of States Parties — for transparency and accountability. That text would make an important difference by reducing human suffering and saving lives. He acknowledged the efforts of his predecessor and others who had been part of the process.

Action on Draft

The representative of Costa Rica, introducing the draft resolution A/67/L.58, titled “The Arms Trade Treaty”, said that after seven years of hard work, culminating in the last two weeks of negotiations, the General Assembly had before it a balanced and robust document. It was, in essence, the type of efficient and transparent treaty arduously sought after by the international community.

He said that “the question we must ask ourselves now is not whether we should approve it, but

why we have waited this long to do so". It was the time now to act without delay. He reaffirmed that the United Nations was able to address the most serious and complex global challenges, that it could turn expectations into tangible realities, and that it was an indispensable Organization in the twenty-first century. "Let this be a session of which we can be proud of," he said to delegates. "Let us turn April 2nd, 2013, into a historic day, adopting, at last, the arms trade treaty."

Speaking before action on the text, the representative of Indonesia said he supported the need to establish international standards in regulating the trade of arms that were fair, transparent and non-discriminatory. He respected the aspirations of all countries in their efforts to establish that global instrument and, in that regard, "never stood in the way". However, while respecting those aspirations, Indonesia would nevertheless abstain from voting.

He said that the treaty text contained substantive deficiencies and did not provide a fair balance. Nor did it accommodate the legitimate interests of importing States. Furthermore, its scope was expanded, but not entirely clear, which risked misinterpretation. He was also concerned that the text favoured exporting States and did not prohibit unauthorized and non-State actors to use arms. On a national level, Indonesia would carefully examine the treaty, with the assistance of Government officials, think tanks, universities and civil society, pursuant to national laws and interests.

Also speaking before the vote, Syria's delegate said that his Government "finds itself compelled, after exhausting all methods of persuasion and dialogue, to vote against the draft treaty", despite its good faith and hard efforts. Syria "cannot be the obstructing side to reach a treaty we all want, but those who hampered reaching a fair and balanced treaty are the ones who refused to pay attention to the concerns and worries of a large segment of Member States". Syria was more interested than others to adopt a good and viable treaty, which established a new era of dealing with the illicit arms trade, "instead of the status of immoral chaos prevailing in this area". That status "lays its shadow on international peace and security, and bluntly ignores the concerns of victims and affected ones in favour of the interests of users and crises dealers and warmongers".

He said that certain countries, among those supporting the text, were fully engaged in supplying terrorist groups, including in Syria, with all kinds of lethal weapons, which claimed the lives of thousands of civilians. That in itself explained the objection of those States to include a paragraph banning the supply of weapons to unauthorized non-State actors. "This is political hypocrisy, and a clear indication that the draft treaty is greatly selective and, thus, cannot reach consensus." His delegation had worked hard to reach a consensual treaty that safeguarded the rights of all countries, whether exporting or importing ones; it had tried to bridge differences and had presented several essential points for inclusion in the text, in order to make it balanced and ensure that it met the aspirations of all Member States. Unfortunately, that effort had "gone with the wind", owing to the insistence of some to "cover the interests of arms producers, at the expense of the interests, concerns and security of a wide range of countries".

Touching on several reasons why his country felt compelled to reject the text, he said: it ignored the proposal made by several countries, including Syria, to include a reference in the text to foreign occupation and the inalienable right of people under foreign occupation to self-determination; it does not contain a clear paragraph referring to the categorical prohibition of the supply of arms to unauthorized non-State terrorist elements and groups; it ignores introduction of a special section on definitions to address ambiguities related to concepts and terms stated in the text; it ignores the reference to the crime of aggression; its selectivity in arms control and transparency does not represent a balanced and comprehensive State; it constitutes, in its current form, interference in the powers of the Security Council; and it does not take into account the stances and opinions of many nations, including his own.

The representative of Cuba, underlining that the principle of consensus was vital to the adoption of a balanced treaty, said today's text would be a legally binding instrument that had security implications for all States. The Final Arms Trade Conference had not been able to achieve consensus, given clear differences among States. Despite that, some countries had agreed to "force" a decision on the draft treaty, an approach not shared by Cuba.

He said that the draft treaty did not take into account the legitimate interests of all States.

Cuba had wished to see the continuation of broad, transparent and inclusive negotiations to reach consensus. “Unfortunately, this did not happen,” he said. Cuba had never expected to reach a perfect treaty, but it was committed to resolution 67/234, which outlined that a treaty resulting from the process should be solid, balanced and efficient. That mandate had not been met; the final draft had not met international expectations.

In fact, he said, the draft had serious limitations, which was why Cuba would abstain in the vote. It had multiple ambiguities and legal gaps. It was not a balanced document, as it favoured arms-exporting States — to the detriment of others in matters of defence and security. Despite that non-State actors were among those responsible for illicit arms trafficking, they had been omitted from the text, which deeply weakened the document and undermined its effectiveness. Moreover, the treaty would legitimize transfers without the consent of the receiving country, contravening the principle of non-intervention into State affairs, among other principles outlined in the United Nations Charter.

He said that the issue of minimum safeguards for States also had been “unjustifiably excluded” from the text’s operative portion. The final draft granted privileges to arms exporters to evaluate the behaviour of importing States based on “subjective” criteria. The lack of clarity on the scope also risked that each State could define it in its own way. As such, Cuba reserved the right to adopt a position on the text when the time came. His delegation had participated actively throughout the negotiating process, having put forward many proposals on its own behalf and jointly with other States. However, aware of the humanitarian concerns, it would continue to implement measures to combat the illicit trade.

The representative of Nicaragua said he had worked under the premise of reaching consensus, which would have allowed a balanced and non-discriminatory text, but unfortunately, there had not been sufficient political will to accomplish that. His country was committed to peace and, on a national level, had adopted measures to combat the illicit arms trade with a programme that required registration of firearms and other weapons of war. Nicaragua was aware of the humanitarian effects of weapons and was committed to creating a regime to address them.

He said that an arms trade treaty adopted by vote and not by consensus would bring a risk of political abuse and squander an opportunity for universality. Thus, it was unfortunate that the treaty would require a recorded vote. He was concerned that there was no mention in the treaty of arms transfers to non-State actors, which was “dangerous”. Generally, the treaty lacked clear language, and which allowed for misinterpretations. In the 1980s, Nicaragua had been a victim of the arming of non-State actors, which cost tens of thousands of lives. His region was currently experiencing violence caused by drug trafficking and organized crime.

In that regard, he expressed concern that the Treaty made no mention of the sovereign right of States to protect their citizens. Furthermore, the text did not provide importers with the mechanisms against abuse. In addition, it was open to manipulations, as it did not contain clear and defined language, but instead used terms that were difficult to interpret. In addition, there was no mention of the “gross production” in the main arms-producing countries. While he would abstain in the vote, his country would study the treaty in line with its national interests and security.

The representative of Venezuela said his delegation was fully committed to regulating the international illicit trade in conventional arms and attached importance to the principle of multilateralism. The Final Conference had set an artificial timetable, however, which had prevented Member States from reaching consensus. The draft treaty was susceptible to political manipulation and lacked balance in scope and other categories. Over-production and stockpiling by major producers also had not been addressed, and there was no reference to the crime of aggression. For those reasons, his delegation wished to abstain.

The representative of Bolivia said his country was opposed to all forms of violence for the settlement of conflict, but it did not renounce its right to defence. The international community should agree on a consensual limit for arms trade. Unfortunately, consensus had not been reached. Bolivia believed more time could have been allowed to discuss pending topics. The final draft had “deficiencies, contradictions and gaps”. There was imbalance between arms exporting and importing countries, which could impact the self-defence needs of importers. Priority had been given to profit

