Mr. Chairman,

It is with some regret that I take the floor today to explain the U.S. Delegation’s vote against Operative Paragraphs 3, 4, and 5 of the draft resolution on the Arms Trade Treaty (ATT) and against the resolution as a whole. Let me start by restating the U.S. position on the ATT – we support the goal of promoting responsibility in arms transfers and reducing the destabilizing trade in illicit arms, but we do not believe a global Arms Trade Treaty would accomplish that goal.

Any ATT would require the support of the major arms exporters to be effective, and we believe that some major arms exporters would refuse to agree to an ATT that required meaningful, effective conventional arms transfer controls policies. The only way to convince all major arms exporters to sign on to the ATT would be to weaken its provisions. Concluding a weak ATT would legitimize an international standard based on a lowest common denominator that would not address the problem of illicit and irresponsible arms transfers.

Notwithstanding our concerns about an ATT and our vote against Resolution 61/89, my country decided to participate in the GGE on an ATT that met this year. The U.S. Expert worked hard to ensure that the GGE report accurately conveyed the complex nature of the international arms trade and the need to avoid ineffective or detrimental measures. We were not alone in the Group in insisting that the follow-on work called for by ATT proponents must occur in a step-by-step manner and on the basis of consensus, in order to ensure implementable standards that would constructively address the issue. In the end, all Members of the GGE were able to agree to the carefully balanced recommendation in para 27 of the report that “further consideration of efforts within the United Nations to address the international trade in conventional arms is required on a step-by-step basis in an open and transparent manner to achieve, on the basis of consensus, a balance that will provide benefits to all”.

My government stands by those recommendations and the GGE report as a whole. Unfortunately, the ATT draft resolution departs from this carefully constructed recommendation by only selectively drawing on it in Operative Paragraphs 3, 4, and 5 in rushing towards convening an Open-Ended Working Group (OEWG). Members will barely have had time to read the report of the GGE and consider the UNGA resolution before they will have to start preparing for the OEWG in early 2009. We thought that the GGE members had agreed that a pause and time for reflection were called for before starting any follow-on work in the UN.

More importantly, I do not see anywhere in OP 3, or for that matter in the rest of the resolution, where the protections are that will allow states to participate honestly in a process that directly touches on one of the most sensitive and important parts of the UN Charter – that of the right of individual Members to self-defense. Will states with regional security concerns decide to abrogate their sovereign responsibilities to protect their citizens by deciding to participate in a process that could potentially put at risk their ability to defend themselves? The GGE report reflects the fact that discussion repeatedly returned to this concern.

For example, paragraph 16 of the report states, “It was noted that the feasibility of potential arms trade treaty would be dependent on establishing its collectively agreed objectives, its practical applicability, its resistance to political abuse and its potential for universality”. The conclusion in para 27 of the report directly states that follow-on work on an ATT should be done in the UN system “on the basis of consensus”. How are Members to interpret the fact that OP 3, 4, and 5 of the resolution only draw on
the language in the conclusions that the cosponsors find most appealing and brush aside those like consensus that are less appealing for some but critical for others? Is this what awaits us in an ATT process? My Delegation certainly hopes not. The only way to achieve a balanced and effective international mechanism for controlling trade in conventional arms is to proceed on a consensus basis. These are the concerns that led us to call for paragraph votes on OP 3, 4, and 5, to vote “no” on them, and to vote “no” on the resolution as a whole.