Let me start by thanking the High Representative for Disarmament Affairs, Angela Kane, for the opportunity to address the Committee in my capacity as President of the Final UN Conference on the Arms Trade Treaty held in March this year.

The adoption of the Arms Trade Treaty on 2 April 2013 by an overwhelming majority of States in the UN General Assembly was a historic moment. The ATT was a success for the United Nations. It is my strong view that the delegations at the Final Conference delivered a clear victory for multilateralism.

The Arms Trade Treaty is the first legally-binding instrument ever negotiated in the United Nations to establish common standards for the international transfer of conventional weapons. Such weapons range from warships and combat aircraft, to small arms and light weapons, and to ammunition, parts and components. As UN Secretary General Ban said when the Treaty
opened for signature, the Treaty will make it harder for weapons to be diverted into the illicit market, to reach warlords, pirates, terrorists and criminals, or to be used to commit serious violations of human rights or international humanitarian law.

So the ATT has the potential to make a real difference. Its implementation is what matters. But before looking forward, it is useful to briefly look back and take stock of the ATT process, as it is relevant to the implementation of the ATT and to broader multilateral arms control efforts.

The negotiations were a complex process. The Treaty was the product of many years of preparations and negotiations, and I must recognise the great contribution of my predecessor, Ambassador Moritan of Argentina, for his draft treaty text from the Conference in July 2012.

As President of the Final Conference, I was impressed by the commitment of States from all ends of the spectrum to achieving this strong treaty. We had exporting States who saw the ATT as a framework to allow their defence industries to participate more transparently in the legitimate international arms trade and level the playing field with an agreed set of standards. Along with transit and transhipment States, they also wanted to ensure that any new regulatory burdens were not excessive.
We also had importing States who wanted an ATT that brought greater clarity to their ability to choose a defence mix in pursuit of their legitimate right to self-defence.

There were States affected by armed violence and instability which were exacerbated as a result of illicit arms transfers. These States saw practical benefit to their national security and the security of their communities through a strong and well implemented ATT.

And finally there were those States which wanted to see stronger universal humanitarian outcomes from the ATT.

The engagement of international and regional organisations also added important perspectives on the consequences of the illicit arms trade. It is important also to recognise the enormous contribution of civil society which advocated for this Treaty for many years and informed the negotiations.

It was not easy to navigate the sheer complexity of these sensitive issues and interests. But I was struck by the level of preparation of delegations and - I should add – civil society ahead of the Final Conference. The 26 July text was known intimately and its impact on particular national interests was well...
understood. Let's not forget that the Final Conference had been given only
nine days to get the job done. In the end, we needed every one of them.

The Final Conference showed what happens when political will exists; when
States from different regions, interests and perspectives collectively wanted an
outcome. No delegation left the Final Conference getting everything they
wanted, but no-one walked away empty-handed. Each of the three texts that I
prepared was progressively stronger than the previous and was presented
with the goal of broadening the supportive constituency and bringing everyone
along. It is my view that the text could not have been any stronger while still
holding the disparate interests in the room together.

While there was initially a considerable divergence of views, delegations
ultimately demonstrated a preparedness to take ownership of this process and
compromise in order to achieve an effective and balanced treaty. Delegations
understood that balance was vital to ensuring the legitimacy of the final treaty
text.

The Conference was also blessed with excellent facilitators who made
important contributions. Some facilitated a significant reshaping of elements
of the 26 July text. Some coordinated important new elements. Some led
discussions which identified the fact that there could be little further
development of a particular issue – but that was still useful in confirming where a likely consensus was.

As President of the Final Conference, I was determined to try and obtain a consensus outcome. Through the pre-Conference consultations, I articulated a plan for how I proposed to handle the negotiating process and I stuck to it. This sense of predictability was helpful to building confidence at the Final Conference that a result was achievable.

Other factors also helped preserve confidence. On the first morning of the Conference the issue of the status of the Holy See and Palestinian delegations passed very quickly. I raise this because it is important to acknowledge the efforts of a number of New York delegations – notably the Holy See, Palestine, Israel and the US – which recognised the negotiations needed to get to work quickly. This was another reminder of the value in multilateral negotiations of settling procedure, because that is a basis on which confidence can be built and, with political will and ownership, can be turned into substantive outcomes.

The Final Conference showed what was possible when those engaged in a consensus-governed process are determined to strive for a negotiated consensus outcome. I don't say this to gloss over the events on the evening
of 28th March, when I ruled that because of the objections of Iran, DPRK and Syria, there was not a consensus in the Final Conference for the adoption of the draft treaty text. But I believe it would be wrong to conclude that the process itself had failed. Rather it was the willingness of States to stay the course with the UN system that helped guarantee the broadest possible constituency of States for the ATT, adding to its legitimacy and potential for effective action into the future.

That said the General Assembly resolution guiding the negotiating process did have a built-in redundancy, an off-ramp, as the Final Conference convened. I was required by the resolution to report to the General Assembly on the outcome as soon as possible after the Final Conference concluded. This allowed delegations legitimately to take the text to the UN General Assembly on 2 April for adoption. This proved to be the measure of last resort.

In the short period of time since the Treaty opened for signature on 3 June, an impressive 114 states have signed, eight of which have already ratified. This is an excellent start demonstrating again the political support for this Treaty.
This momentum needs to be maintained as we accelerate towards the Treaty's entry into force, which will allow it to start making a real difference to people's lives.

We all know that unregulated access to arms has caused worldwide human suffering. The illicit trade in conventional arms is strongly entrenched in many parts of the world. Those who profit from this illicit trade will not give up easily.

But in requiring states to display responsibility and transparency in arms transfers with greater respect for international law, the ATT will have an impact on the lives of people.

One way in which the ATT will have an impact in reducing human suffering is through the explicit prohibition against arms transfers that would be contrary to international legal obligations, or where the State knows the arms would be used in the commission of genocide, crimes against humanity and particular war crimes. This prohibition sets a clear benchmark which will allow its effective and consistent implementation by States.

In addition, even if an export is not prohibited it could still cause serious humanitarian consequences. The Treaty establishes a framework by which a
State must undertake a risk assessment and risk mitigation measures. The Treaty sets the standard upon which a state must not authorise the export.

This risk assessment involves the complex balance of a range of considerations that, when applied, will ensure a better regulation of the weapons industry. At the forefront of decisions made by export authorities will be the consideration of the potential that the arms or items:

- would contribute to, or undermine, peace and security;
- could be used to commit or facilitate a serious violation of international humanitarian law or international human rights law,
- could aid terrorism or transnational crime,
- and the risk of the arms being used to commit serious acts of gender-based violence or violence against children.

What will also be critical for the states most impacted by the illicit and irresponsible arms trade is how this Treaty will work to prevent the diversion of transferred arms. Under the ATT, this will include exporting states assessing the risk of diversion and considering mitigation measures. Cooperation and information exchange between exporting, transit, transhipment, and importing states must be promoted. Measures to address a diversion of transferred arms when it is detected also need to be encouraged.
States now need to consider signature of the Treaty and accelerate internal ratification processes. For some this will involve enacting or adapting national legislation to implement the ATT. Resources will need to be allocated for states to strengthen their national systems for controlling imports and exports and to meet reporting requirements set out in the ATT. Into the future, progress in meeting ATT obligations will need to be monitored.

And for those states in a position to do so, resources should also be allocated to assist states requesting legislative, technical or financial assistance or institutional capacity-building in order to join and implement the ATT.

The Arms Trade Treaty matters to a broad cross-section of countries. Countries both big and small, major arms producing states and developing countries alike need to join and ratify the Treaty so that its humanitarian and security potential can begin to be realised.

In conclusion, I am hoping that the momentum and spirit of cooperation on the Arms Trade Treaty will continue. I hope to see the ATT enter into force by the end of 2014. Yet, I remain mindful that the Treaty is ultimately only a framework – we have to keep working and building to ensure that it really does reduce human suffering, as we all hope it will.