

Control Arms Daily Summary – Final Conference on the Arms Trade Treaty, 2013 28 March 2013

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SUMMARY

*The final day of the Final Conference on the Arms Trade Treaty was an extraordinary and long day, ending after 10.00pm, following a security debacle in the afternoon before proceedings even began; a wrangle over the Rules of Procedure and the meaning of 'consensus,' and finally and disappointingly, but not surprisingly, with the blocking of the negotiations by **Iran, Syria and DPRK**. However this was somewhat deflected by the huge number of member states which supported a draft Resolution tabled by **Kenya** calling for the Non-Paper to be taken to the UN General Assembly for vote.*

AFTERNOON SESSION

The morning plenary was cancelled to allow for delegates to discuss the President's Non-Paper of 27th March with their capitals and the afternoon session didn't start until 4.05pm, following some security issues. The room was overflowing and apparently presented a security risk, plus some delegates couldn't get in, so everyone had to leave the Conference room and then just two delegates per country were allowed to return. NGOs and CSOs assembled in a separate Conference room.

On Wednesday afternoon the revised Non-Paper ([A/CONF.217/2013/L.3](#)), which included the small legal and technical revisions proposed by the Drafting Committee, was circulated in all the 6 UN languages. It was this text that was attached to the President's Report of the Conference. However, in the midst of the President's opening remarks on the procedure for the afternoon, **Iran** indicated that it wanted to speak and was given the floor.

Iran began by saying it was important to "reduce human suffering" but the achievement of the treaty remained "out of reach" due to "many legal flaws and loopholes". The suppression of acts of aggression is a fundamental purpose of the UN, said **Iran**, but the current draft "ignores" the demands of "many states" that asked for it to be represented in the treaty. How can we reduce human suffering by "turning a blind eye to crimes of aggression?" asked **Iran**. Why doesn't the treaty prohibit the transfers of arms to aggressors, it demanded. The right of individuals to possess guns has been left in the treaty due to one state, yet the right of peoples under foreign or colonial occupation to self-determination has been "completely ignored". So too has the right of states to self-defence and territorial integrity.

The **Iran** delegation went on with its long list of concerns. It said the main goal of the treaty was to regulate transfers of conventional arms yet it exempts transfers of arms to armed forces outside of countries' territories which are mostly used for aggression and occupation in many countries. The "rights of arms exporters" are well supported in this text, **Iran** went on, "but importers' rights to import are subject to the subjective assessments of exporting states" which are "susceptible to politicization and discrimination".

The **Iran** delegation concluded by saying the treaty is a product of a process in which the established practice of the UN to conduct negotiations in an open, transparent and non-discriminatory nature has been “overlooked”. **Iran** said strict observance of such practice was needed to achieve a proper treaty.

On the grounds of the above, **Iran** said it “objects to the adoption of the draft decision”.

As soon as Iran stopped speaking, **DPRK** took the floor, saying it also “objects”. It said consensus had not been “achieved” on the text. The Non-Paper is “not well balanced”, and the treaty was “very sensitive”. **DPRK** said “some efforts” had been reflected more than others in the text, some “symbolically, and some ignored”. The **DPRK** concluded by saying the draft treaty annexed to the draft decision was a “political” draft that can be “politically abused”. In particular, those Articles referring to arms embargoes under Chapter VII, as well as prohibitions on human rights.

Hot on the heels of DPRK was **Syria**. It began its long intervention by saying it had not been an “easy task” to arrive at a consensus “due to deep divisions” and that the Non-Paper did not command consensus. The **Syria** delegation said Syria was suffering from “that bloody trade” that supports terrorism and that the Syria delegation had tried to “mediate” and “bring consensus” to the meetings. However, “regrettably” their efforts and others wanting a text by consensus had been “ignored”. As such, the Syria delegation was “compelled” to register its “objection to the decision”.

The **Syria** delegation went on to say that the treaty ignores the proposals of many member states, such as references to foreign occupation and the right of peoples under foreign occupation to self-determination. The delegation said the treaty in its current form was an “interference” in the mandate of the Security Council and that it “ignores many member states”. The text does not include “explicit” provisions relating to non-state armed groups. **Syria** said that the treaty ignores crimes of aggression. It also said the “definitions” were not clarified in the treaty, and as a consequence, it was like “trying to swim without knowing how”.

Syria concluded its remarks by saying that it wants to continue work on a treaty that can provide “balance, justice and equality” between states and really seek to preserve international peace and security between member states.

Amb. Woolcott responded by saying: “I take it that no one blocks consensus”, before **DPRK** and **Iran** put up their name plaques to formally lodge their objection. However, **Syria** didn’t, which suggested that they only wished to place on record their reservations, not their formal objection.

At this point (4.30pm), the President suspended the meeting, so that serious consultations could take place between the President and his staff and **Iran**, **DPRK** and **Syria** in an effort to get the proceedings back on track.

Evening Session

At 6.30pm the meeting was resumed. **Amb. Woolcott** opened the session by saying delegates needed to be “crystal clear” in their statements, so he could determine if they wished to block the proceedings or merely disassociate themselves with the text. He therefore gave them one final chance not to block proceedings. However, at this point, **Iran**, **DPRK** and **Syria** all raised their name plaques to take the floor, and one by one, they all confirmed that they wanted to block the process with **DPRK** saying it will be “more clear than crystal clear” and **Syria** saying it would deliver its speech

in English, in case Arabic was not “crystal clear”. Each went on to repeat why they were not joining the vast majority of other states in a consensual adoption on the Non-Paper, with **Syria** saying “more than 120 countries” who had wished to see prohibitions to unauthorised end users in the text, had been ignored and that it couldn’t be part of an “artificial consensus”. It concluded its intervention by reading out the legal opinion of the WHO from 1987, which defined consensus as meaning “without formal objection”.

At this juncture **Mexico** took the floor. It said it had listened carefully to the three interventions and considered that the concerns raised should be reflected properly in the President’s Report of the conference. However, Mexico went on to say that the “overwhelming majority” of states were in a position to adopt the text as it is and that in this circumstance, it recommended to the President to proceed to the adoption of the text, without a vote, since there is not a clear definition of consensus.

At which point, **Nigeria, Japan, Costa Rica, Chile and Colombia** all promptly supported the Mexican proposal.

But before any more states had time to support Mexico, **Russia** took the floor. Russia stressed the need for delegates to hear and listen to each other in order to reach a compromise and that delegates must not “ignore the views of the minority”. **Russia** went on to say that there was an effort to reach consensus in the room and that if “a few changes could have been made” to the text the conference could have ended on a positive note. It said **Iran, DPRK and Syria** have said clearly that they cannot support a consensus and that the conference was “now disregarding the Rules of Procedure (RoP)”, which have been followed for dozens of years. It said this was “unacceptable” and a “misinterpretation” of the RoP. **Russia** “categorically” opposed this.

Ambassador Woolcott responded by saying that the conference did respect the RoP and that he believed that if one state blocked then it did mean there was no consensus. However, he proceeded to ask the delegates if there was consensus on the **Mexico** proposal. At which point **Iran** said that “whoever wants to proceed against the RoP should leave the room”. The President accepted Iran’s statement and opened the floor for further comments.

At this point, **Kenya** took the floor on behalf of a number of member states including: **Argentina, Australia, Costa Rica, Japan, Nigeria, Finland, Kenya, New Zealand, Norway, Mexico, US, and UK** tabling a draft [Resolution](#) to take the Non-Paper to the UNGA for vote. **Kenya** said while we haven’t reached consensus, “we have worked in the spirit of consensus”. “Now is the time for an ATT” it said. “The population of the world needs this treaty to reduce human suffering”. Kenya concluded its rousing statement by saying: “The time for an ATT is now!”

Several more states voiced their support for the **Kenya** proposal, totalling well over 30 by the end of the evening. They included: **Cote d'Ivoire on behalf of ECOWAS, Cyprus, Czech Republic, Denmark, El Salvador, the EU, Germany, Guatemala, Ireland, Italy, Liberia, Madagascar, Netherlands, Nigeria, Paraguay, Papua, Peru, Papua New Guinea, Rwanda, South Sudan, Spain, Sweden, Tanzania and Uruguay**. Many of these states also noted their support for the Mexican proposal. **Trinidad and Tobago on behalf of CARICOM** said it was “disappointed” that consensus was not achieved, saying it had expected delegates to show “greater flexibility”. It called on Iran, DPRK and Syria to vote in favour of the Resolution at UNGA. **Morocco** said it would vote in favour of adopting the treaty at UNGA. **Brazil** felt that despite some flaws, they were ready to make the Treaty a reality.

France said they deeply regretted the “deplorable decision” three states took to block consensus. They said that blocking must not lead us to forget the essential point that all the other states have

come to a consensus for a robust and ambitious text. **Botswana** said we should not allow ourselves to go home empty handed but we won't have to as there is a draft text on the table. Whilst the draft is obviously inherently imperfect in places and contains inadequacies it is still one that Botswana is willing to live with.

The **United Kingdom** provided by far the most memorable response, explicitly pointing out that "good strong treaty has been blocked by Iran, DPRK and Syria", adding that "this is not a failure, this is success deferred (and by not very long)". They proceeded to list a long number of aspects of the Treaty they felt were positive, and said the text of the Treaty was coming very soon, and that they could not hold back their disappointment.

The **USA** agreed that this represented "success deferred" and simply added that the final draft had their support for a strong, balanced and implementable text and they looked forward to the adoption of the text at UNGA in the near future.

A number of states also used their statements in this final session to maintain opposition to the final draft text, emphasising similar deficiencies that they had mentioned throughout the process, especially certain principles such as foreign occupation, a lack of prohibitions to non-state actors and a perceived imbalance between exporters and importers. The most ardent opponents included **Belarus, Bolivia** (though they made it clear they "will retain the right to review before making a final decision"), **Cuba, DPRK, Indonesia, Iran, Syria** and **Venezuela**.

To a slightly lesser extent, a number of other states expressed similar reservations about the text, but did not go so far as to make their full opposition clear. These states included **Armenia, Algeria, India, Kuwait on behalf of the Arab Group, Nicaragua, Pakistan, Russia** (who stated they did not object but did not fully support the text) and **Sudan**.

India were particularly equivocal on a lack of prohibition on transfers to non-state actors and terrorists, and felt the final draft had the "tell tale marks of back room deals and special interests". They said they would take measures to protect defence cooperation agreements in the implementation of the treaty, and would assess the final text in terms of their defence, security and foreign policy interests. They did not want their statement to be taken as an endorsement. **Russia** said they expected the conference would end on a positive note, and it was close, but there was not enough willingness to compromise, although they agreed with the UK that it was not a failure. They listed a number of problems they had, but were ready not to object to the conference approving adoption, although they couldn't come out fully in support due to their listed omissions. **Pakistan** made similar comments, feeling consensus was regrettably missed due to a lack of flexibility and the omission of some key issues.

China issued a short statement supporting adoption by consensus, and felt that with more flexibility and compromise states can find a proper resolution.

Kenya then circulated their draft resolution for adoption at UNGA for signature, requesting the Secretary General to open it for ratification on 3 June 2013.

Following the above member states taking the floor, Amb Woolcott suspended the meeting one final time, to iron out some issues raised by **Iran** and **DPRK** over the wording of the Report of the Conference. They were unhappy with the words: the 'Draft Decision was not adopted' saying they wanted the wording to reflect that there had not been a consensus. Following a lengthy break, the meeting was resumed just before 10.30pm, when Amb Woolcott announced that the wording of Para. 13 now read: 'In accordance with the Rules of Procedure...there was no consensus and the

Draft Decision was not adopted'. The new wording was put to the floor for comment and it seemed to appease **Iran** who raised no further objections. As such, the Report of the Conference was briskly adopted and Amb Woolcott took the floor to make some final remarks.

Amb. Woolcott gave his thanks to the previous President, Amb. Moritan, as well as thanking CSOs and NGOs for their energy. He also questioned the UN's ability to achieve consensus from the experience of this process. He concluded the Conference by stating that it was a "disappointing result" but that "a Treaty is coming".

The final day of the conference ended at 10.30pm.

You can see a full account of the final day's proceedings [here](#).