The timetable for today has us considering scope, prohibitions, and criteria of an ATT. These are the most fundamental issues of all – and it is vitally important that we get them right.

At this point I should like to primarily address the question of scope. Scope - both as regards the weapons to be covered in the Treaty as well as the span of the activities to be brought within it.

We have set out our views more fully on this topic in a paper which is available at the back of the room. In brief, we believe the level of ambition set on scope in the 26 July text is far too low. I heard a comment yesterday to the effect that we must all be “realistic” in the goals we set for the ATT and not allow the perfect to be the enemy of the good. In response I would simply say, Mr President, that it is not only the perfect which is the enemy of the good. The bad is an even greater enemy of the good.

In New Zealand’s view, the ATT must:

- Make the coverage of conventional arms comprehensive – and we support Norway’s proposal for the inclusion of military munitions in this regard
- Bring ammunition, and parts and components, more fully into the ATT
- Ensure the ATT’s scope is clear and the same for all
- Remove the loophole relating to gifts, loans and leases
- Clarify whether the ATT’s licensing regime is to apply to arms sent to forces abroad but later transferred or abandoned there

The statement delivered on behalf of the P5 yesterday noted that the ATT should “create a shared responsibility in the international transfer of conventional arms between all states, be they exporters, importers, transit or transhipment states”. If indeed responsibility for transfers is to be shared pursuant to the Treaty, Mr President, so too must be the standards and requirements which the Treaty sets. These must be clear and unambiguous – as befits a legally-binding instrument - and standardised for all. The Treaty cannot, for instance, permit national – and therefore potentially differing – definitions of the items covered.

We do not need detailed definitions – just definitions that ensure we are all using the same frame of reference, as should be the case for any treaty. So, for example, in NZ’s view it would be helpful to reword subpara (h) in the current listing as follows: “Small arms - including revolvers and self-loading pistols; rifles and carbines; sub-machine guns; assault rifles; and light machine guns.”
Drawing, equally on the UN Register’s reporting template, we would suggest that current subpara (i) be replaced with language as follows: “Light weapons - including heavy machine guns; hand-held under-barrel and mounted grenade launchers; portable anti-tank guns; recoilless rifles; portable launchers of anti-tank missile and rocket systems; and mortars of calibres less than 75 mm”.

As language drawn from the Register we would hope these suggestions could command broad support here.

Briefly, now, Mr President, on prohibitions New Zealand agrees with the comments, widely expressed here, that a knowledge-based test would be much more appropriate for Article 3.3. I note that the current language, which would seem to require an intent on the part of the State supplying the arms that the weapons are to be used to commit genocide and the other prohibited acts, is unrealistic – indeed somewhat farcical.

Still with regard to Article 3.3, New Zealand supports the proposal put forward by Switzerland that the paragraph should stop after the reference to “war crimes”.

As to criteria, New Zealand would like to lend its support to the many delegations here, including Australia, who have expressed their strong preference for the deletion in Article 4 of the reference to an “overriding risk” and its replacement by the phrase “a substantial risk”. This notion is a much better one in terms of established risk assessment and reduction processes. I also note that it would make the English text better mirror the language used for the “overriding risk” text in the French and Spanish language versions.