Statement

by

H.E. Ambassador Jörg Ranau

Head of the German Delegation to the UN Conference on the Arms Trade Treaty

during the

Plenary Session

of the final United Nations Conference

on the

Arms Trade Treaty

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(please check against delivery)
Mr. President,

We have entered the second week of negotiations under your able leadership and guidance. We are confident that you and your facilitators will continue your tireless efforts to lead us towards a strong and robust Arms Trade Treaty. We continue to have full confidence in you and your facilitators. On this path, the paper that you presented last Friday is a commendable effort, that marks some important improvements compared with the July 2012 text such as the elimination of some legal unclarities, the introduction of a separate article on diversion, improved structure for Scope, the inclusion of a knowledge-based standard in Prohibitions, and improved provisions on the Conference of State Parties. We are convinced that this is moving the process in the right direction, albeit not to the extent that we consider necessary.

We believe that some critical amendments still need to be included.

I fully aligning myself with the comments made by the EU and would like to underline our strong commitment to the statement made by Mexico on behalf of a large group of countries. I would like to focus on some of those elements that my delegation believes would make an ATT strong and robust.

Firstly, we welcome the fact that efforts are well under way to avoid creating a loophole in Article 5 paragraph 2. An ATT must not give a carte blanche to deliveries under defence cooperation agreements but rather give a clear priority to sound and systematic export controls.

Secondly, last Monday, I underlined, that an ATT “will only deliver added value if it requires countries to examine the potential consequences of arms transfers on the basis of a set of clear and ambitious criteria laying down the highest possible common standards.” Therefore Articles 6 and 7 are at the heart of this treaty and we need and will continue to work on strengthening them.

It is our understanding that Article 7 paragraphs 7 and 10 are carrying the notion of an assessment against a benchmark of criteria. This should be more clearly reflected by replacing the undefined term “overriding” with “clear” or “substantial”.

Thirdly, still regarding Article 7, paragraph 3: we still miss language that would entail an obligation to draw a consequence from the assessment with regard to peace and security. That paragraph should create an obligation to deny a license if a State Party finds in its assessment that arms export would undermine peace, security and stability.

Fourthly, the same lack of operational clarity is still hampering the effective application of the criteria in Article 7 paragraph 8. States Parties in their assessment must take into account the elements (a) to (e) in the first place, and then they should not only consider taking mitigating measures, but also consider simply not to authorize the transfer if the risk seems too high.

Fifthly, both concerning Article 3 and 4, we believe the draft treaty fails to address the inherent risk of diversion and other risks associated with transfers of ammunition as well as of parts and components. The current language is falling short of our ambition. We still believe that this needs to be corrected in the draft treaty by amending Articles 3 and 4 to foresee an assessment including against the criteria set out in Article 7 paragraph 8. By the same token, Art. 14 needs to address those items as well, not only the arms enumerated under Art. 2 (1).

Finally, we join others, especially Switzerland, Norway and other States in calling for a further amendment to Article 6 paragraph 3. We do believe that States Parties should respect all their obligations under International Humanitarian Law, not just treaty law, but also customary international law. Moreover, we strongly support those that are demanding a clear reference to the respect of human
rights in this article. The reason for this is obvious: while certain gross and systematic human rights violations may fall below the threshold for either genocide, crimes against humanity, or war crimes, such violations should not be exempt from the ATT’s scope of prohibitions.

Mr. President,

In the spirit of brevity, I will stop here. Please rest assured that my delegation is fully supporting your approach and will be walking the remaining miles with you in order to find agreement on a strong and robust Arms Trade Treaty. Further comments are included in the written copy of my statement which will be distributed.

Thank you Mr. President.

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Mr. President,

- With regard to ammunition/munitions and parts and components, we still believe that additional clarifications need to be included in the draft treaty. We note that Article 3 as it currently stands is still rather unclear. We would read it as excluding e.g. spare parts. But we need to include all essential parts and components.
A similar issue arises with regard to ammunition/munitions. As the Article currently stands, e.g. hand grenades and most landmines would be excluded from the scope.

Mr. President,

- We are negotiating an Arms Trade Treaty which we hope will serve us well in the decades ahead. Innovation in arms development will continue. An ATT has to follow such developments and we believe that amendments to the treaty and/or the inclusion of new categories of conventional arms will eventually become necessary.

- An ATT will only be fully operative if there is a true transparency reporting provision. Therefore, reports about aggregated export licenses granted need to be made available to the public. The current Art. 12 sufficiently takes care of possible concerns regarding national security or commercial secrets.

- Finally, my delegation welcomes the new Article on diversion but we still believe that more work needs to be done to find language to effectively prevent diversion at all stages of the life cycle of conventional arms and of ammunition/munitions and parts and components. This also includes a provision on re-exports.

Mr. President,

- As I said some days ago, the challenge remains, to agree upon a universally valid and binding document that strikes a balance between the general principles of free trade, countries’ multifaceted security needs as well as the need for responsibility in the international arms trade. We are on good track but not there yet.

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