**EXPLANATION OF VOTE BY**
**H.E. AMBASSADOR GOLAMHSOSSEIN DEHGHANI**
**DEPUTY PERMANENT REPRESENTATIVE OF THE ISLAMIC REPUBLIC OF IRAN TO THE UNITED NATIONS**
**BEFORE THE UNITED NATIONS GENERAL ASSEMBLY**
**AGENDA ITEM 94: GENERAL AND COMPLETE DISARMAMENT**
**DRAFT RESOLUTION A/67/L.58 ON THE ARMS TRADE TREATY**
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_In the Name of God, the Most Compassionate, the Most Merciful_

_Mr. President,_

I take the floor in the explanation of vote on resolution A/67/L.58 on the Arms Trade Treaty (ATT).

The delegation of the Islamic Republic of Iran, like many other delegations, was expecting the conclusion of an effective, robust, balanced and non-discriminatory ATT aimed at achieving the noble goal of reducing human suffering resulting from the illicit trade in conventional arms.

However, the draft, due to many legal flaws and loopholes, fell far short in meeting those expectations and objectives. Accordingly, my delegation was compelled to object to the adoption of the draft ATT at the Final United Nations Conference on the Arms Trade Treaty on 28 March 2013, and also to cast a negative vote today to the resolution adopting that Treaty, in particular for the following reasons:

1. While suppression of acts of aggression is a fundamental purpose of the United Nations, it was expected that the Treaty should clearly prohibit the transfer of conventional arms to aggressors and foreign occupiers. However, ironically and surprisingly and despite the legitimate demands by a large number of States, it failed to incorporate such a prohibition, because certain countries who are very well known for committing acts of
aggression and occupation, including in our region in the Middle East, and also its patron, strongly objected to its inclusion. As a victim of the act of aggression in the recent history, our question is that how can we reduce human suffering by turning a blind eye to aggression that may cost the lives of thousands of innocent people? Are we rewarding aggressors by not prohibiting the transfer of arms to them? This legal flaw is totally unacceptable for my delegation and also is one of the main reason for our objection to this Treaty.

2. While regulating all international transfers of conventional arms was supposed to be the main goal of the ATT, the text is not applicable to the international movement of conventional arms by, or on behalf of, a State Party for its use. This exemption is a major loophole in this Treaty and clearly is incompatible with its object and purpose. These weapons in some cases have been used to commit aggression and occupation causing human losses and destruction of the economic infrastructures of a number of countries including in the Middle East and the Persian Gulf. In the same vein, its Article 6 (2) provides the ground for the exemption of transfer of arms between member States of military alliances which should be considered another major loophole in this text. In our view, Article 26 (2) of the Treaty also provides the ground for similar exemptions at the bilateral level.

3. While this text "recognizes" even "the commercial interests of States in the international trade in conventional arms", it not only fell short of recognizing the inherent right of States to acquire, produce, export, import and transfer of conventional arms required for the realization of the inalienable right of any State to security, self-defense and territorial integrity, but also does not accord even the same weight and value to such sovereign rights of States.

4. While the right of individuals to "trade, ownership and use" of guns has been well protected in this text in the strongest possible terms, to meet the constitutional requirements of only one State, unfortunately and despite serious demands by many States, the inalienable right to self-determination of peoples under foreign occupation or alien and colonial domination has completely been ignored, and this time to appease a notorious occupying power.

5. While this text emphasizes that nothing should prevent States from adopting additional measures than those contained in the Treaty, it does not require such measures to be consistent with its object and purpose and principles. This can be considered as a blank check given to arms exporting countries to apply any measure and standard in exporting arms, even if they are not compatible with the Treaty provisions and its overall object and purpose.
6. While there is no real safeguard in the Treaty to secure the rights of importing countries, and noting the fact that the section on principles was not included in the operative part of the Treaty due to the strong objection by one State, the inclusion of "parts and components" in Article 4 of the Treaty without any clear definition and also applying the provisions of Articles 6 and 7 for their export, clearly runs the risk of equating every simple dual use goods and equipments with the actual conventional weapons, and thus making this situation even much worse. This is while that many types of equipment for civilian use can easily be subject to such restrictive measures that are detrimental to the economic development and well-being of importing developing countries. This happened despite there were proposals to balance it including by emphasizing "the responsibility of each State Party not to deny or impose conditions or restrictions, as a result of the implementation of this Treaty, on the international trade in the equipments, products, services, technologies and know-how for civilian purposes."

7. While referring in Article 6 (1) of the Treaty to measures adopted by the United Nations Security Council has no legal weight and value, its incorporation to the text in the current format and by using the term "in particular arms embargoes" surprisingly innovates a new type of self-imposing arms embargos in the cases that even arms embargo has not been adopted by the Security Council itself and gives completely new and of course incorrect interpretation about the obligations of the United Nations Member States under the Charter.

8. While the rights of arms exporting States is well preserved in this text, the right of importing States to acquire and import arms for their security needs is subject to the discretionary judgment and extremely subjective assessment of the exporting States. That is why this text is highly abusable and susceptible to politicization, manipulation and discrimination.

9. While defining the basic terms of a treaty is an established practice in international treaty making, the text of this treaty, despite repeated demands by many delegations, suffers from the lack of definition. The treaty in its current format relies mainly on national definitions and control lists which normally vary from one State Party to the other. This situation would go against the central tenet of establishing “common highest international standards” and would give a convenient loophole to arms exporting States to circumvent Treaty provisions by defining it in a way they perceive.

10. While the “equality of States” is a legal and charter-based principle, it was excluded from this Treaty, perhaps because of the fact that in this imbalance and discriminatory text that takes into account, to the widest extent possible, only the rights and interests of arms exporting countries in the form of exemptions, exceptions and protections, and on the other hand, disregards the most basic and inherent rights of importing States, there is no room for such a principle!
11. While numerous major documents of the United Nations reaffirm that States have responsibilities in exercising restraint over the production and transfer of conventional arms, despite repeated calls by many countries, this text failed to address this important aspect of the conventional arms.

*Mr. President,*

12. It is regrettable that for the first time in the history of international treaty making within the United Nations, a text has been tabled for adoption as an international legally binding instrument without being negotiated. Despite strong calls by many delegations and submission of concrete proposals by them, minimum changes were made in the text, while in some instances many new concepts, paragraphs and phrases have been added to the Treaty that has never been presented even orally by any delegation during the consultations. Indeed, legal flaws, loopholes and other deficiencies of the text are the product of a process in which the established practice of the United Nations to conduct negotiations in an open, transparent and participatory manner to accommodate each others’ concerns is overlooked. I wish also to emphasize that certain delegates who made an attempt even to redefine "consensus" need not to forget that "equality of States" is the guiding principle in the United Nations and therefore, the voice of each and every country, regardless of its size, location or population, must be heard and its vote have to be counted.

13. The Islamic Republic of Iran has been a staunch supporter of the noble ideas behind the ATT, inter alia, the idea of the prevention of arms to fall at the hands of criminals, illegal armed groups, terrorists and extremist groups. Iran is situated in a region that has experienced the bitter effects of the flow of arms to these groups. We are witnessing the adverse consequences of trades in arms on the security and the well-being of the peoples in our region.

14. We actively took part in the discussions at the preparatory phase and the conferences held prior to the finalization of the Treaty with the hope that the text could be hammered out in a manner to cover the legitimate concerns of the wider membership of the United Nations. Our sincere hope was to reach to a consensus text. A universally accepted treaty. However, under the pressure of some countries the treaty was adopted in a hastily manner without having universal acceptance that is a prerequisite for such a Treaty. Today the results of the voting on the resolution is a vivid indicative to this fact.

15. Let me conclude with the expression of the hope that with the effective cooperation and will of all States we would be able to deal effectively with the menace originating from the excessive accumulation of arms, militarization of the regions already suffering from conflicts and putting an end to the illegal transfer of arms to the hands of non-State actors.

*Thank you Mr. President.*