Thank you, Mr. Chairman.

The Brazilian delegation would like to thank you for circulating your new draft paper. A greater deal of realism has been a mark of this week’s discussions, and we believe that your document reflects, to a certain degree, this fact. Certainly we still have a long way to go before reaching a final result, acceptable to all, in the 2012 Review Conference. We still have a significant number of concerns with regard to the possible elements of an ATT that you have identified. Yet my delegation believes that we are moving step by step in the right direction and we commend your efforts and leadership.

I would like to make some remarks with regard to your paper. Please consider them as preliminary and non-exhaustive. We may come with other comments at a later stage.

First, with regard to Section I (Preamble). Although we recognize that the notion of excessive stockpiles of arms was removed from the criteria, this same notion is still present in the Preamble under paragraph 3. We consider this concept to be too subjective, and only countries themselves can judge what could be considered reasonable or optimal stockpiles of their own.

On paragraph 4, we question the adequacy of mixing two different concepts, those of illicit trade and of irresponsible trade. There is already a large work done by this Organization with regard to illicit trade. The important progress achieved in this field should not be subject to questions that another concept – in this case, irresponsible trade – may raise. We would have no problem, however, if a separate paragraph with convenient wording is introduced in the preamble.
My delegation would also like to see a new preamble paragraph which would acknowledge the right of Member States to development, through unimpeded access to equipment and technology.

On Section III (Goals and Objectives), it must be underlined that one purpose of an ATT would be that of promoting cooperation and assistance among States Parties to prevent, combat and eradicate the illicit trade of conventional weapons. The reference to international cooperation and assistance here is of great relevance.

On Section IV (Scope), we believe that categories of arms must be clearly defined. Definition cannot be left for each State Party to undertake, a situation which would result in loopholes and inconsistencies in the implementation of the Treaty. My delegation is, notwithstanding, against the inclusion of parts, components, technology and equipment in an ATT scope of application. The rationale for the inclusion of these categories seems to be that of precluding recipient States of assembling or producing weapons themselves, as if an ATT should be a non-proliferation instrument with “haves” and “have nots”. For Brazil, it should not be.

Still, while production or assemblage of weapons by importing States would be discouraged, nothing in the treaty is said about the production carried out by current producing countries. This would evidently constitute a double standard. In this context, we would also like to see technology transfer deleted from the transactions and activities covered by an ATT.

Let me also support what was mentioned by Mexico this morning on the question of hunting, sporting and recreational arms. We do not believe there is any justification for having exceptions in the treaty for those arms. An ATT is not about prohibition, but about regulation, and it is a matter of concern that some countries may consider that these lethal weapons should not be regulated.

With regard to Section V (Criteria), some of the notions continue to be too subjective, such as that of provoking, prolonging or aggravating instability in B1.
We seriously disagree with the maintenance of language contained in B5, that of criteria related to efforts on poverty reduction or promotion of social economic development. Such idea is inconsistent with that of countries’ self-determination. Brazil does not share such a view, by which some countries are not in a position to take decisions by themselves.

My delegation also believes that the section on Criteria continues to lack language that would require for any arms transfers the previous authorization of the recipient State.

On Section VI (Implementation), we have noted a new paragraph number 5 in the chapeau. It seems that more precision is required here. It seems natural that refusal, suspension or revocation of any transfer can only be done by those States Parties involved in that particular transfer, while also taking into account the provisions of any commercial contract that may regulate that transfer. We believe that an ATT cannot be invoked to break contracts regardless of the necessary application of the provisions that oblige the parts in a transaction.

With regard to language contained in subsection A (National Authority and Systems), we understand that authorizations from transit or transshipment States as well as from the recipient State should be required before any arms transfer is carried out by an exporting State. It is our feeling that – without such previous authorization or at least obligatory notifications in advance - it would be more complex for transit, transshipment and recipient States to fully assume responsibilities in preventing those arms from being diverted into the illicit market or to unintended end-users.

With regard to Subsection B (Record Keeping, Reporting and Transparency), my delegation has already conveyed our concerns with regard to a too much comprehensive reporting mechanism that could have defense and economic implications for States Parties. In this sense, the Brazilian delegation would favor either a voluntary reporting mechanism or a compulsory one with a stricter scope of arms covered, in line with the UN Register.
On Subsection E (International Assistance), we believe that the content of paragraph 7 would be better placed in the chapeau of Section VI (Implementation).

To conclude, Mr. Chairman, with regard to Section VII (Final Provisions), my delegation believes that any amendments to the Treaty should be adopted by Review Conferences on the basis of consensus. On its turn, the mechanism for the entry into force of the treaty will depend on the obligations contained in the instrument. A more ambitious instrument would require a qualitative modality for entry into force, based on accession by top exporting countries.

Finally, we believe that language in Subsection I paragraph 3, to which we have no objection, would be better placed in the Implementation Section of the Treaty.

I thank you, Mr. Chairman.