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Statement by H.E. Amb. Yusra Khan
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at the Fourth Session of the Preparatory Committee for United Nations Conference on Arms Trade Treaty

New York, 13 – 17 February, 2012
Mr. Chairman,

At the outset, my delegation thanks you for convening this important preparatory meeting, and for your leadership.

Indonesia is fully cognizant of the need to address problems relating to unregulated trade in conventional weapons and the risks in their diversion toward illicit market or illegitimate purposes. Considering that such risks can fuel instability, terrorism, separatism, and transnational organized crime, we support that international action should be taken to address the problem of unregulated trade in conventional weapons.

As the main purpose of this Preparatory Meeting is to agree on procedural mechanisms for the 2012 July negotiating conference on Arms Trade Treaty (ATT), we would like to underscore that as agreed in the General Assembly Resolution 64/48, the procedures for July Conference should be set in a manner that clearly enable the proceedings to be undertaken in an open and transparent manner on the basis of consensus. The procedures should ensure that viewpoints from all Member States, whether large or small, are considered and reflected on an equal footing. It must be seen that opinions of all regional groupings are duly incorporated in the procedure setting and July Conference.

In this regard, we note your proposed Rules of Procedure for the future ATT Conference. We thank you for the draft Rules of
Procedure and we would like to convey that we can support most parts of the draft. In line with operative paragraph 5 of UNGA Resolution 64/48, we should ensure that the adoption of the final text of the Treaty should be by consensus. We have some concerns with regard to the voting mechanism that potentially are not in line with the operative paragraph 5 of UNGA Resolution 64/48. Having heard comments these past few days, some countries have clearly stated that the proposed voting mechanism is not in line with the meaning of operative paragraph 5. We are also concerned that we are beginning to hear various definitions of “consensus”. We should avoid making interpretations of the word “consensus” as stated in operative paragraph 5 of UNGA Resolution 64/48, if we were to ensure that the ATT would enjoy the widest possible support of all Member States and eventually gain universality.

In 2011, in conjunction with UNIDIR, Indonesia co-hosted a Regional Seminar on “Supporting the Arms Trade Treaty Negotiations through Regional Discussions and Expertise Sharing” in Bali, where key countries of Asia-Pacific attended. One of the main challenges identified there was ensuring that legitimate concerns and views of the Southeast Asia region are reflected in the drawing up process of the ATT along with those from other regions. No region must be left behind in future negotiations of the ATT.

Mr. Chairman,

Without going deeply into the substantive elements concerning the future ATT, we stress that all issues discussed in this and
previous Preparatory Committee meetings can be considered as an integral part of the body of the ATT.

There is much in these elements on which there are differences in opinion. We thank the Chair for providing the Member States with the non-papers at each meeting. And on each issue, we see different perspectives from Member States. Besides the Chair’s non-papers, we expect the Secretariat can assist the Chair in producing a compilation text that reflects all the views of the Member States conveyed at the previous preparatory committee meetings.

The Rules of Procedure for the UN Conference, to the reasonable extent that they can, should be geared to facilitate a frank yet respectful debate between all Member States based on those documents.

Mr. Chairman,

The future ATT should state unambiguously the complete and undiluted observance of all inherent rights of States on an equal footing, including their right to territorial integrity.

In the past, sometimes the discussion and practice by some countries on the affirmation of the right to self-defense, has been interpreted as that right not covering the right of states to maintain their territorial integrity. Whatever legitimate arguments countries may have, Indonesia would like to ensure that the ATT covers and spells out clearly that there is a legitimate right of all sovereign states
to territorial integrity in the case of intra-state conflict. Ambiguity on this matter is not an option.

The ATT should be a confidence-building mechanism and not a sanction mechanism. It should strike a fair balance between the interests of exporting states and importing states. For example, it would be difficult for the Government and the Parliament of Indonesia, in the future, to ratify the potential ATT if the ATT will only leave the judgement and consideration of human rights violations at the hands of exporting states if they disregard the views of the importing states. If the so-called “substantial risk” of serious violations of human rights that might be stated in the future ATT is only defined by the exporting states without proper engagement with the importing states, then there is a significant risk of that human rights will be politicized.

The Treaty should not undermine the primary responsibility of States in controlling their transfers of conventional arms. It should not also generate political conditionalities on countries in the development of their own legitimate capabilities in conventional weapons and in the transfer of technology of conventional weapons.

The future ATT may become a paramount legal basis, if it enjoys the widest possible support and common understanding from all countries and all regions.

Thank you, Mr. Chairman.