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Alistair Burt MP
Minister of State
Foreign & Commonwealth Office

Sent via email: alistair.burt.mp@parliament.uk

25 March 2013

Dear Minister,

As Chairman of the United Nations Association – UK (UNA-UK), I am writing on behalf of our membership to request your urgent action during this final week of negotiations of on the Arms Trade Treaty at the United Nations in New York. UNA-UK is represented this week in New York.

Throughout the first week of the negotiations, an overwhelming majority of states called for considerable improvements of the draft Treaty. This included a joint statement by 116 UN member states expressing their support for stronger provisions on the important issues of controlling ammunition, the prevention of diversion, and clear language around the application of comprehensive criteria for assessing whether to authorise an arms transfer. Throughout last week, a huge number of states voiced their strong shared support for such improvements in numerous national and group statements. The Chair promised to listen to the majority in formulating his text.

However, we, together with many states, find that these concerns have not been adequately addressed in the most recent draft of the Arms Trade Treaty that the Chair produced on Friday 22 March. In particular:

1. Ammunition, parts and components are still subject to more limited controls than other types of weapons. In particular, they are subject to a more limited set of risk assessment criteria and are exempt from provisions on transit and transshipment, diversion, record keeping and reporting.
2. Prohibitions on transfers when the exporter knows they will be used to commit war crimes only apply to obligations that states are explicitly bound by, and not customary international law; nor is there any reference to international human rights, which may lead to unacceptable transfers to regimes that use them to abuse human rights.
3. The term 'overriding risk', which has no clear meaning in existing international legal standards, remains as the standard for assessing whether to authorise a transfer of arms, despite a large number of states calling for its replacement with the less ambiguous term 'substantial risk'.
4. There are inadequate provisions for record keeping, reporting and transparency, including a lack of provisions for mandatory public reporting on arms transfers, a key requirement for oversight, accountability and confidence-building.

We commend the dedication and hard work demonstrated by all delegations, including the UK's, during the past week, to address critical loopholes in the draft treaty. To ensure that these efforts produce a strong and effective Arms Trade Treaty on 28 March, it is

critical that the above concerns raised by the overwhelming majority of states are addressed in the final text.

We urge the UK Government to continue to push for the necessary improvements on these vital elements in order to ensure that the Arms Trade Treaty achieves its humanitarian aims. A weak treaty that serves only to legitimate irresponsible arms transfers will in our view be worse than no treaty at all.

Yours sincerely,

A handwritten signature in black ink, reading "Jeremy Greenstock". The signature is written in a cursive style with a long horizontal flourish at the end.

Sir Jeremy Greenstock
Chairman, UNA-UK