



# General Assembly

## DC/3423

Department of Public Information • News and Media Division • New York

Final Conference  
on Arms Trade Treaty  
17<sup>th</sup> Meeting\* (PM)

### **EFFORTS TO REPLACE PIECEMEAL SYSTEM OF GLOBAL ARMS RESTRAINT WITH BINDING TREATY**

#### **THWARTED WHEN HANDFUL OF STATES SAYS TEXT IGNORES NATIONAL CONCERNS**

##### **Iran, Democratic People's Republic of Korea, Syria Block Consensus; Speaker Says 'This is Success Deferred, Not Failure' as Text Heads to General Assembly for Vote**

After two weeks of closed-door consultations, a sweeping arms trade treaty text setting out principles and rules to regulate the staggering array of weapons that changes hands each year failed to achieve consensus tonight, but several delegations, not willing to return to their countries "empty-handed", promised to move the draft treaty to the General Assembly for adoption as early as next week.

The treaty was designed to replace a piecemeal system of global arms restraint with a legally binding instrument aimed at establishing the highest possible common international standards for regulating the \$70 billion business, which, it is widely held, fuels conflict, undermines peace and security, threatens social and economic development, and causes untold human suffering.

While agreement on the draft, first articulated last July, was reportedly gaining traction this week, this afternoon, just moments after Conference President Peter Woolcott of Australia announced that the meeting was ready to proceed to adoption, the representative of Iran raised his flag in a "point of order" and outlined the reasons why his delegation could not join consensus, required by the Conference and many other United Nations meetings and forums.

Similar declarations followed by the representatives of the Democratic People's Republic of Korea and Syria, which, in effect, blocked the treaty's adoption and drove the meeting into hours of debate, both on the consensus rule and on the merits of the treaty itself.

Concerning the consensus rule, the representative of Mexico said that an overwhelming number of States represented at the Conference were in a position to adopt the text before them. He suggested that the Conference proceed to its adoption without a vote, as it was understood that, at the United Nations, there was no real definition of what "consensus" meant.

The rules of the game, warned the representative of Syria, among others, could not be changed in order to circumvent the consensus rule. He read an opinion by a legal adviser to the effect that "consensus" in fact meant adoption of a decision without formal objections, and stressed that, as he had raised a formal objection to the treaty, consensus had not been achieved.

The representative of the Russian Federation agreed, noting that three countries had stated clearly that they could not join consensus on the text. It was an "unacceptable manipulation" to "simply disregard the rules of multilateral diplomacy" that had been followed for many years, he warned.

Following that discussion, a number of States, unwilling to discard a text that had taken seven years to hammer out, sought an alternative route to its adoption. The representative of Kenya, speaking on behalf of Argentina, Australia, Costa Rica, Finland, Japan, Mexico, New Zealand, Nigeria, Norway, United Kingdom and the United States, proposed that a letter be sent to the Secretary-General requesting him to bring the treaty text to the General Assembly for adoption in that forum. The draft represented the will of the people in the room, and the treaty was needed to reduce human suffering, he added.

"We were close, but not close enough," said the representative of Pakistan, adding that perhaps a bit more flexibility could have led to a consensus adoption. Pakistan, like other importing, transit and trans-shipment States, brought a different set of concerns to the negotiating table. While he acknowledged efforts to bring some semblance of balance to the text, he said that proposals made by his delegation — including one on the vital issue of weapons production — had been ignored. In addition, the text failed to strike an appropriate balance

between importers and exporters, and it glossed over several important questions.

Several other delegations also underscored shortcomings in the text, including omissions that some felt would lead to breaches of sovereignty and territorial integrity. The treaty lacked prohibitions on transfers for use or threat of use of force, including acts of aggression, and granted privileges to exporting States that could be manipulated or used for political reasons.

The representative of India felt that the final draft fell short of producing a text that was clear, balanced, implementable and able to attract universal adherence. The provisions on terrorism and non-State actors, she said, were weak, diffused and found no mention in the specific prohibitions of the treaty. There was a fundamental imbalance in the text, as the weight of obligations was tilted against importing States. As such a State, India would take measures to ensure that the treaty did not affect the stability and predictability of defence cooperation agreements and contracts entered into by her country.

However, many delegations spotlighted the achievements of the treaty text, noting that, while it was not perfect, it represented the wishes of the vast majority of Member States.

The representative of France, for example, deeply regretted that just three delegations had taken the “deplorable decision” to break the consensus. Their action should not negate the fact that all other States had been able to agree on a robust treaty, which would be a major step forward in international law. Other delegations agreed that the treaty was the first of its kind, including both small arms and light weapons and ammunition, and containing important provisions against the commission of genocide and other war crimes. The treaty was another reminder of the benefits of acting in concert for the international good, many said.

The representative of the United Kingdom agreed that a good, strong treaty had been blocked by the Democratic People’s Republic of Korea, Iran and Syria, but that it was nonetheless time to “bring it home”. Like other speakers, she felt that the lack of adoption did not constitute a collapse of the treaty. “This is success deferred, not failure,” she said, strongly supporting Kenya’s proposal to take the document to the General Assembly.

“My people need this treaty more than ever before,” implored the representative of Madagascar, stressing that, like many other speakers today, the illicit trade caused great suffering in Madagascar. She echoed the sentiment that it was time to “seize the moment” and to move forward with what had become a strong and robust treaty. “My delegation cannot go back to my country empty-handed,” she concluded.

Just before the Conference concluded late tonight, Member States adopted a report on the nine-day session (document A/CONF/217/2013/L.2), as revised by the President, following a request made by the Iranian delegation.

In closing remarks, President Woolcott said that the Conference’s inability to have adopted an arms trade treaty had been a “disappointing” result and cast a cloud on the United Nations’ capacity to achieve consensus results on such matters. The text was strong and balanced and, if implemented, “would make a difference”. While his role was finished, the General Assembly would take up the outcome of the Conference on 2 April, he said, adding, “the treaty is coming”.

## Background

The Final Conference on the Arms Trade Treaty convened today to conclude its nine-day session, which opened on 18 March. (For more information, see Press Releases [DC/3419](#) of 15 March and [DC/3420](#) of 18 March.)

## Action on Draft

As a first item of business this afternoon, Conference President Peter Woolcott (Australia) proposed that action be taken on the draft decision circulated on 27 March (document A/CONF.217/2013/L.3), to which was annexed the text of the arms trade treaty. He said he would open the floor to explanations of position and interpretive statements following action.

However, raising his flag in a point of order was the representative of Iran, who said that his delegation had participated in the Conference with a high expectation to conclude an effective, robust, balanced and non-discriminatory treaty aimed at achieving the noble humanitarian goal of reducing humanitarian suffering resulting from the illicit trade in conventional arms. However, that goal had been rendered out of reach, owing to the many legal flaws and loopholes in the text currently before the Conference.

First, he said, while suppression of acts of aggression was a fundamental purpose of the United Nations, the current draft ignored the legitimate demand by many States to prohibit the transfer of arms to those who committed aggression. “How can we reduce human suffering by turning a blind eye to aggression that costs the lives of hundreds of thousands of people?” he asked.

Second, he said that, while the right of individuals to own and use guns had been protected in the current text to meet the constitutional requirements of only one State, the inalienable right to self-determination of peoples under foreign occupation or colonial domination had been completely ignored.

Third, he said, while regulating international transfers of conventional arms was supposed to be a main goal of the arms trade treaty, ironically, the draft before the Conference exempted the transfer of arms for armed forces of countries outside their territories. In recent years, those weapons had mostly been used to commit aggression and occupation causing human losses in many parts of the world, including in the Middle East and the Persian Gulf.

Next, he said, while the rights of arms exporting States was well preserved in the text, the right of importing States to acquire and import weapons for their security needs was subjected to discretionary judgement and the subjective assessment of exporting States. "That is why this text is highly susceptible to politicization, manipulation and discrimination," he said.

The flaws and loopholes, as well as other deficiencies in the text, were 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 was overlooked, he said. Iran had tried its best to rectify the text's flaws and major loopholes through a real negotiation in which voices were heard and serious concerns were equally addressed. However, as those genuine efforts had been ignored, Iran objected to the adoption of the draft decision.

Also on a point of order, the representative of the Democratic People's Republic of Korea said he objected to the adoption of the draft decision, as the treaty text annexed to it was not well balanced. The "ATT" was a very sensitive treaty related to security interests of all participating countries in the Conference. For the sake of reflection of interests on equal basis, all countries had actively participated in negotiations on the text and had made constructive proposals. However, notwithstanding all those efforts, some interests had been reflected more than others, while some interests had been reflected only symbolically. Some interests had been simply ignored and not reflected at all.

He added that the draft treaty was risky and could be politically abused by major arms exporters. In particular, the articles referring to arms embargoes under the Charter's Chapter VII and the issue of human rights as prohibition criteria were typical examples. Under the current language of those provisions, major exporters were entitled to privileges of imposing self-proclaimed restrictions on arms trade to importers, whereas many countries would have their right to self-defence and to legitimate arms trade undermined or infringed upon by exporters.

Also speaking on a point of order, the representative of Syria said that his country was currently suffering from the results of the "bloody" global arms trade. In that context, the delegation had worked diligently to achieve a treaty that commanded consensus, and it had tried to mediate negotiations through meetings with like-minded Member States. Regrettably, however, those efforts had been totally ignored and had produced nothing. As a result, Syria was compelled, having used all means of dialogue to register its objection to the annexed text, to object to its adoption.

Among the reasons for its objection, he said, was the fact that the treaty text ignored the proposals of many Member States, including Syria, to include a mention of foreign occupation and the inalienable right of people under foreign occupation to self-determination. Secondly, the selectivity of the measures of control on armaments was neither balanced nor comprehensive. In addition, the text made no specific reference to an embargo on the transfer of weapons to armed groups and non-State actors. That was a serious lapse, in Syria's view, as it was currently suffering from those very activities by some Arab and Western States.

In addition, the treaty did not articulate definitions on certain ambiguities, such as the clarification of terminology, and it did not include the crime of aggression, he said. Syria expressed its desire for more time to continue the negotiations on a treaty that provided balance, justice and equality among Member States, and that sought to preserve international peace and security without ignoring the basic interests of some Member States.

Following that statement, the President proceeded to action on the draft, but after certain delegations raised their flags in objection, he suspended the meeting saying more time was needed for negotiations.

Resuming the meeting, the President said he had listened carefully to the statements made by Iran, the Democratic People's Republic of Korea and Syria. He then asked the room if the treaty would be adopted by consensus.

The representative of Iran said that for the reasons stated in his earlier intervention, he objected to the adoption of the draft decision containing the treaty text. There was no consensus on the adoption of the treaty; it would be blocked by the countries that had objections.

The Conference President said he wanted to be sure that the situation was “crystal clear”.

Taking the floor next, the representative of the Democratic People’s Republic of Korea said that he would be more than “crystal clear” in saying that he had made an objection to the adoption of the draft treaty. “It means blocking the draft decision,” he said, adding that the text was not balanced.

The representative of Syria said that he had previously enumerated seven substantive reasons why his Government could not to accept the draft treaty. He reminded the Conference that more than 120 countries had asked, during deliberations, for the inclusion of the term “unauthorized end users” in the draft articles on Prohibition and Export Assessment. However, those requests had been ignored. For those reasons, the draft treaty had failed to reach the consensus that was sought. Indeed, Syria could not be part of an “artificial consensus”. He, thus, formally objected to the treaty’s adoption.

He then proceeded to read an opinion by a United Nations legal adviser on the meaning of the term “consensus”, in which, he said, the word was understood to mean the adoption of a decision without formal objections.

The representative of Mexico said that the concerns of the three countries voicing objections should be reflected properly in the final report of the Conference. However, the overwhelming majority of States represented at the Conference were in a position to adopt the text before them. He, therefore, suggested that the Conference proceed to the adoption of the text annexed to the draft decision without a vote, as it was understood that, at the United Nations, there was no definition of what “consensus” meant.

The representatives of Nigeria, Japan, Costa Rica, Chile and Colombia expressed support for the statement made by the representative of Mexico, saying that consensus could not be blocked by only three States.

The representative of the Russian Federation recalled that, in an initial statement to the Conference, his delegation had stressed the need for States to listen to each other to reach a reasonable compromise. “We should never ignore the views of the minority,” he said in that regard, adding that not enough had been done to reach consensus. A few changes could have been introduced in order for the Conference to end on a positive note. Three countries had said clearly they could not support the consensus, and it had now been suggested that “we simply disregard the rules of multilateral diplomacy” that had been followed for many years. That was an unacceptable manipulation of consensus and a colossal danger, he said, stressing that the Russian Federation rejected that move.

The representative of Iran said that at the outset there had been high expectations for the conference, but now those had dimmed. At the United Nations, there were rules of the game and if any delegation wished to change them, then “they needed to be out of the room”, he said. The meaning of consensus was clear and it was unacceptable that some delegations would want to redefine it, which was totally contrary to United Nations principles.

The representative of Kenya speaking on behalf of Argentina, Australia, Costa Rica, Finland, Japan, Mexico, New Zealand, Nigeria, Norway, United Kingdom and the United States, said that the majority of States had signalled their desire to adopt the text. The international community had worked for seven years to conclude it and they had come to the meeting today to adopt it. It was time to act. Once the meeting closed, a letter would be sent to the Secretary-General requesting him to bring the treaty text to the General Assembly for adoption. The draft represented the will of the people in the room, and the treaty was needed to reduce human suffering. Though the General Assembly could act to adopt the text soon, today was the day.

The representative of Spain said it was quite reasonable that nobody was fully satisfied with the text; however, the majority supported it and he believed, therefore, that it was essential to move forward. He expressed support for the statements made by Mexico and Kenya.

Also expressing support for statements by Mexico and Kenya was the representative of Côte d’Ivoire, speaking on behalf of the Economic Community of West African States (ECOWAS). He said that the unregulated trade of arms was a great threat to peace and security, as seen in his region which had experienced its devastating effects. The text does not reflect some of his concerns, such as in the area of arms transfers to unauthorized users. Also, he had hoped that the treaty’s scope would have been broader, so as to cover munitions and ammunition, as well as possibly additional weapons in the future.

Despite those points, he said, the text demonstrated real progress and reflected the need for greater control of munitions and ammunition. He expressed hope that all States would look at the human suffering caused by conventional weapons in the Congo, the United States and Asia, and resolutely come to support the treaty.

The representative of Peru deeply deplored that, once again, States had been unable to reach consensus on an arms trade treaty. The text before the Conference was not ideal, but it reflected the “minimum

common denominator". Peru had always condemned the use of the veto, and this was no exception. Instead, instruments that placed all participants on an equal footing, such as the General Assembly, should be used. Peru, therefore, supported the proposals made by the delegations of Mexico and Kenya.

The representative of South Sudan also expressed his support for those positions. "It's about saving lives" in such conflict and post-conflict countries as his own, he said. "We need to adopt this treaty, and any concern by any State can be addressed subsequently," he said.

The representative of Trinidad and Tobago, speaking on behalf of the Caribbean Community (CARICOM), said that he had noted the concerns expressed by Iran, Democratic People's Republic of Korea and Syria, and he hoped that they would show greater flexibility when the matter came up for consideration in the General Assembly, in order for there to be a consensual outcome on the treaty.

The representative of El Salvador said he resolutely supported the statement by the representative of Mexico and others, as well as the President's text.

The representative of Papua New Guinea also expressed support for the statements made by Mexico and the proposal made by Kenya, while the representative of the Netherlands associated himself with the statement made by Kenya.

The representative of India said that the final draft fell short of producing a text that was clear, balanced, implementable and able to attract universal adherence. The provisions in the final draft on terrorism and non-State actors were weak, diffused and found no mention in the specific prohibitions of the treaty. India would not accept that the treaty be used as an instrument in the hands of exporting States to take unilateral "force majeure" measures against importing States parties without consequences. There was a fundamental imbalance in the text, which was flawed, as the weight of obligations was tilted against importing States. As an importing State, India would take measures to ensure that the treaty did not affect the stability and predictability of defence cooperation agreements and contracts entered into by her country.

Member States had a legitimate right to self-defence, she stressed, adding that there should be no conflict between the pursuit of national security objectives and the aspiration that the arms trade treaty be strong, balanced and effective. While India had negotiated in good faith and in an open and transparent manner with respect to essential interests, the final draft had the "telltale marks of behind-the-scene carve outs of the exclusive interests" of a select few countries, such as egregiously excluding non-State actors or arms transfers as gifts or loans. She stressed that universal adherence to the treaty would not be possible unless all stakeholders were on board, and that included major exporting, as well as importing, States. Lastly, she added that India's participation in the session did not in any way prejudice its position on the substantive aspects of the treaty and should not be construed as an endorsement.

The representative of Uruguay said that he had hoped to see a more ambitious text that would regulate all ammunition, munitions, parts and components. But the draft treaty as it presently stood was the only one that was politically possible, and he stood ready to adopt it. The establishment of a global arms control regime would facilitate more responsible trade. That, however, would not be possible at today's conference. He supported Mexico's view that in the absence of a definition of consensus, the treaty should be adopted at the General Assembly.

The representative of the United Kingdom, supporting the statement made by Kenya, said that a good, strong treaty had been blocked by the Democratic People's Republic of Korea, Iran and Syria, but most people in the world wanted regulation and those were the voices that needed to be heard. That was why she and others had announced that they would take the text to the General Assembly as soon as possible. She discussed aspects of the treaty, and said that it was "time to bring it home". She expressed disappointment that Member States had been unable to build on negotiations, which she thought were "rigorous, organized and transparent", which United Nations Member States had worked late into the night to bring. It was an excellent text — the result of rigorous, organized and transparent negotiations. "This is success deferred; this is not failure," she concluded.

The representative of Morocco expressed regret that it had not been possible to reach consensus. The draft reflected tangible progress compared to the July 2012 text. Although the draft had certain shortfalls, he was prepared to join consensus. He hoped it would be adopted without vote.

The representative of Guatemala deeply regretted that it had not been possible to reach agreement, and fully supported the statements made by the delegations of Mexico and Kenya, among others.

The representative of Sweden said that it was clear that the text was not entirely satisfactory to anyone. However, the seriousness of the issues at hand meant that its adoption was the "highest priority". Sweden was prepared to support the proposal made by Kenya to take the text to the General Assembly, he said.

The representative of Pakistan also regretted that the treaty text was not adopted. "We were close but not close enough," he said, adding that perhaps a bit more flexibility could have led to a consensus adoption.

Pakistan, like other importing, transit and trans-shipment States, brought a different set of concerns to the negotiating table. While he acknowledged efforts to bring some semblance of balance to the text, he said that proposals made by his delegation — including one on the vital issue of weapons production — had been ignored. In addition, the treaty text fell short of striking an appropriate balance between importers and exporters, and it glossed over several important questions, resulting in the absence of clear definitions and the lack of accountability of exporters. Addressing those and other concerns would be essential to promoting the treaty's effectiveness and universality.

The representative of Sudan said it was crucial to address the suffering caused by the proliferation of conventional weapons, which led to instability and insecurity in many parts of the world. However, such a lofty goal should not be sought without taking into account the concerns of all Member States. The draft did not include any mention or language that prohibited the transfer of weapons to individuals or groups that wreaked havoc in many parts of the world, such as in Sudan, where rebel groups caused instability, intimidated innocent citizens and threatened regional stability. Sudan fully supported the Russian Federation's position that there could be no consensus adoption if there were objections to the text.

The representative of Italy said that "we are closer than ever to the goal of this treaty", and added that the text was strong and balanced. It was important to remember that billions of human beings expected the treaty to substantially improve their lives. For that reason, Italy supported the proposal made by Kenya to bring the text to the General Assembly.

The representative of Kuwait, speaking on behalf of the Arab Group, said he believed the treaty's objective could only be reached by taking into account the concerns of all States, and not just the exporting countries. His requests had not been taken on board. Also important was to include the principle of the inalienable right of people living under foreign occupation, such as the case of the Palestinians living under Israeli occupation. That situation was a clear violation of international and humanitarian law, which must be addressed.

Also important in the text, he said, was establishing a mechanism for dispute settlement and financing for technical cooperation, to which developed countries should contribute. Such principles among others which promoted inclusiveness, fairness, and transparency should become an integral part of the treaty. He expressed regret that the treaty lacked clear definitions, left out the assessment mechanisms of exporting States and did not guarantee the non-politicization of arms issues.

A representative of the European Union delegation, supporting the statement made by Kenya, said it was crucial to capitalize on the efforts expended by the international community on the treaty. The instrument had huge potential to contribute to international peace and stability, and the international community had an obligation to reach consensus.

The United States' representative said he agreed with the United Kingdom that success was only deferred. The text had raised the bar on the common standards of arms trade. He looked forward to its adoption in the General Assembly in the near future. Tonight's "outcome did not detract from the accomplishment", he added.

The representative of the Russian Federation said that there had not been enough willingness towards sensible compromise at the very end of the negotiations. However, the situation should not be characterized as "failure" or "collapse", as the treaty text had become more mature throughout the recent process. He reviewed a number of developments in the text, noting in particular that it called for national systems of controls — something that was difficult for some States to implement. At the same time, it had not been possible to address several significant problems and omissions in the final text, including, for example, the inadmissibility of transferring weapons to non-State actors, though many States had spoken in favour of such a provision. "This is a huge gap [...] and a loophole for weapons falling into the hands of terrorists," he said, adding that the treaty's provisions on diversion to the illicit market could also have been stronger.

He said there was also inadequate coverage of humanitarian issues. He pointed to wording in the treaty to the effect that exporting States should not authorize weapons transfers if they "had knowledge" that the arms would be used in the commission of genocide, war crimes and breaches of the Geneva Convention of 1949. In that case, the word "knowledge" was ambiguous. The Russian Federation felt that, in the context of the arms trade treaty, that word meant "having reliable information". The Russian Federation had been ready not to object to the consensus adoption of the treaty; at the same time, however, it could not simply support it. There were provisions that were doubtful, to say the least. The delegation would be studying the draft extremely closely in Moscow, he stressed.

The representative of China said that his delegation supported adoption of the treaty on a consensus basis. As a permanent member of the Security Council and a responsible member of the international community, China solemnly appealed to all the parties to not engage in "confrontation and division". Nor should they violate the rules of procedure, principally, the rules of consensus, and they should not jeopardize the good traditions of multilateral diplomacy. China strongly hoped and believed that through friendly consultations and with flexibility, all parties would be able to find a proper solution.

The representative of France deeply regretted that just three delegations had taken the “deplorable decision” to break the consensus. It was States under sanctions that were once again blocking the international community, he said, stressing that those States had shown that they rejected international law. But their action should not negate the fact that all other States had been able to agree on a robust treaty, which would be a major step forward in international law. In particular, the treaty covered small arms and light weapons, which created the most concern.

The representative of the United Republic of Tanzania said that the Great Lakes region of Africa had been greatly affected by the unregulated arms trade. People died, were displaced and land was destroyed. Approving the text was essential in honouring the victims. He expressed support for the statements made by Mexico and Kenya.

The representative of Denmark, aligning himself with the statement made by Kenya, said he looked forward to take action on the text in the General Assembly as soon as possible. In addition, he aligned himself with the statement made by the European Union.

The representative of Ireland expressed regret that it had not been possible to adopt the treaty, which he said was urgently needed to regulate the global arms trade. He was committed to adopting and implementing the treaty as soon as possible, and looked forward to voting in its favour in the General Assembly.

The representative of Botswana said it was important to not allow seven years of hard work to go to waste; “we cannot go home empty-handed”. The draft was not perfect, but it was one that his delegation was willing to accept. He stressed the need for a strong comprehensive arms trade treaty and, in that connection, expressed support for the statements made by Mexico and Kenya. He pledged full support for the treaty’s adoption in the Assembly.

The representative of Germany strongly regretted that the process was blocked by three delegations. Fully supporting the statements made by Kenya and the European Union, he said that the text, once adopted, had the potential to benefit current and future generations. “They will hold us accountable for bringing this process to a success,” he said. The text was a carefully crafted compromise between all negotiating parties across the spectrum and he looked forward to its adoption in the General Assembly.

The representative of Brazil said that his delegation had been ready to support consensus. While certain elements — such as the unambiguous inclusion of ammunition in the treaty’s scope — would have improved the text, it was nonetheless more balanced and objective than its previous iterations.

The representative of Nigeria expressed his delegation’s support for the statements made by the representatives of Côte d’Ivoire, Kenya, and Mexico. It was highly regrettable that the treaty would not be adopted today, for the second time. Indeed, the treaty was the first of its kind, with important provisions against the commission of genocide and other war crimes. It also applied similar measures of control to munitions and ammunition. The treaty was another reminder of the benefits of acting in concert for the international good.

“We see it as possessing immense potential in stemming the tide” of violations of human rights and humanitarian law, he said of the instrument. Nigeria believed that the treaty would also contribute to reducing impunity, which the illicit conventional arms trade perpetuated. By the “human face” of the treaty, conventional weapons might begin to be seen and used only positively for self-defence or to maintain international peace and security, he said.

The representative of Belarus said that, despite improvements to the text, the document remained unbalanced and did not meet its stated goals. Outlining some of its shortcomings, he said that the text did not contain a prohibition on supplying arms to non-State actors. Furthermore, its language of humanitarian and human rights law “was not an agreed United Nations language” and its use, therefore, could be abused. Re-export assurances were also lacking. The absence of those elements called into question the declared “highest standards” of the treaty. Belarus would carefully examine the draft text while taking into account the above factors.

The representative of Cyprus, aligning herself with the European Union, expressed regret that the draft decision had not been adopted by consensus. It was important to keep “the momentum around the treaty alive”. She agreed with the Kenyan delegation and looked forward to voting in the General Assembly.

The representative of Armenia also expressed regret that consensus had not been reached. He was concerned about certain provisions of the treaty, including in the section on principles and the article on diversion. Stressing the need for a more balanced reference of international law, he said inserting people’s right to self-determination would improve the comprehensiveness and inclusiveness of the treaty. He was not ready to support the treatment of diversion in the text and regretted that the last meeting on the issue scheduled for 26 March had not taken place. He added that he did not support the modification to certain articles.

The representative of the Czech Republic also regretted consensus had not been reached even though

the wishes of the majority were clear. A strong and robust text would provide a legally binding global instrument. He added that he associated himself with the statements made by the European Union and Kenya.

The representative of Algeria, aligning himself with Arab Group, deeply regretted the absence of any mention of the right of people to self-determination, which he called a fundamental principle of international law. He wished to recall that the aim had been to develop a robust, balanced, and effective treaty.

The representative of Liberia said he had hoped that the treaty would have been adopted to prevent any further suffering, not just to Liberia, but to the West African region as a whole. "To say we are disappointed would be an understatement," he said. He deeply regretted that consensus was diverted by Iran, Syria, and the Democratic People's Republic of Korea, whose position was supported by the Russian Federation. The treaty was not an exercise in aspiration. Nor should it be used as a tool to address long-standing differences between States. Rather, its aim was to prevent human suffering. Although the treaty was not ideal, it represented progress. Blocking consensus on the treaty was a sad day for all the victims of armed conflict and for the United Nations, which had become a victim of its own purposes and objectives, as well as of its rules and procedures. Lastly, he aligned with the proposals made by Mexico and Kenya.

The representative of Madagascar said that the text before the Conference had been robust and strong, and that it was time to "seize the moment". "My people need this treaty more than ever before," she said, as the illicit trade caused great suffering in Madagascar. Her delegation, therefore, joined with Mexico, Kenya and others that had called for the treaty's adoption in the General Assembly. "My delegation cannot go back to my country empty handed," she stressed.

The representative of Cuba said that his delegation had never expected to have an ideal or perfect treaty. However, it was committed to the mandate of General Assembly resolution 67/234, whereby the treaty resulting from the Conference was to be solid and robust. Unfortunately, the final draft did not meet the expectations or the justified needs of the international community. It contained legal loopholes and other deficiencies, and it was imbalanced and served the interests of exporting States.

He highlighted omissions in the text, including several that he felt would lead to breaches of sovereignty and territorial integrity. The treaty also lacked prohibitions on transfers for use or threat of use of force, including acts of aggression. It also granted privileges to exporting States which could be easily manipulated or used for political reasons. At the same time, it did not require ratification by the world's principal exporting States for its entry into force.

The representative of Venezuela said that the dynamics of the negotiations on the draft treaty, in particular the use of artificial deadlines, had prevented in-depth, broad discussions that would have made it possible to reach a genuine consensus. Instead, the treaty text before the Conference lacked necessary elements to truly become a lasting international instrument. Among other things, the text did not address the excessive stockpiling of arms by the major exporting States, and it did not recognize the serious threat posed by transfers to non-State actors, among other deficiencies. Moreover, had the treaty been adopted, it could easily have been amended by a simple majority; that was not a reliable multilateral system. For those reasons, Venezuela would not have been able to associate itself with the treaty had it been adopted.

The representative of Paraguay said that the document before the Conference was not ideal, but that it was "certainly closer to what we had hoped for". It had been clear and strong in advocating for international law, and it had supported both importing and exporting States' interests. There were many ways of looking at the rule of consensus and, in fact, an effort was being made to interfere with the decision being taken by the Conference. He supported the proposals made by Mexico and Kenya.

The representative of Indonesia said the text did not reflect the proposals made by his delegation, which were also supported by numerous countries. The concerns of arms-importing States were not reflected in the text. He added that if the text was adopted, he would not be required to participate, in accordance with international law.

The representative of Bolivia said that the shortcomings in the document were fairly basic. As other delegations had said, unfortunately, the text was unbalanced in terms of the way it looked at the interests of importing and exporting countries; the interests of importing countries were virtually ignored. The lack of coherence had now allowed the Conference to reach consensus. Particularly inadequate were the parts relating to the treaty's implementation and preventing the sale of arms to non-State actors. It was a lost chance in the "industry of death" to curb the illegal sale of arms to non-State actors.

He added that the text did not include people's right to self-determination, nor did it limit the production and sale of certain kinds of weapons. If the document was adopted, Bolivia reserved the right not to endorse it.

The representative of Rwanda said the road to the text had been long and the people of the world had impatiently waited for a treaty that would prevent the suffering and loss of life caused by the unregulated arms trade. He voiced his support for the statements made by Kenya and Mexico.

The representative of Syria said that there was something “not quite right at this meeting”, both in form and in substance. The Conference was diverging from the rules of procedure. In fact, there was a legal definition of the term “consensus” that had been in place at the United Nations for decades, and which he had read out earlier. That opinion had never been called into question by anyone. As had been stated by the President many times, opposition to the draft text on the part of one delegation would mean that there was no consensus. The text left “un-adopted” tonight was “unbalanced and unripe”, and impinged on Syria’s national interests. The controversy being created about consensus was an excuse to denigrate those States that had asserted that their national interests were being ignored, he said.

“We are not opposed to the conclusion of the treaty in principle,” he continued; rather, “we are opposed to the fact of the text as it stands”. It was an inconclusive, incomplete draft treaty which took into account only the interests of certain Member States. It was unacceptable that the rules of the game be changed by circumventing the rules of procedure, he stressed, reiterating that “we are not against this treaty”. Indeed, if it had been concluded in the appropriate manner, the treaty would have represented a major gain for the international community. The world needed a treaty that “we will not later regret” and which would not be used for political purposes in the future, he concluded.

The representative of Nicaragua said that it regretted that there was insufficient political resolve to adopt a strong, balanced text by consensus. Nicaragua had been committed to the establishment of a regime that would be truly multilateral and balanced, and that reflected the interests of all States. Certain elements caused concern: there was no reference to prohibition of transfers to non-State actors; there was no clear reaffirmation of the sovereign right of States to acquire, manufacture or import weapons for their legitimate security needs; nor was there a reference to crimes of aggression. The current text did not provide importers with a mechanism to prevent political abuse, and the entire text was subjected to manipulation. The treaty also omitted clear, well-defined terms that would allow parties to comply with their obligations. Nicaragua also noted with concern the serious imbalance in favour of arms exporting countries to the detriment of importing countries.

The representative of Kenya then took the floor again and, referring to his earlier statement, said he was distributing a document for the General Assembly.

#### Adoption of Report

The Conference then turned its attention to the report of the session.

The representative of the Democratic People’s Republic of Korea said the countries that blocked consensus should be recorded in the report.

The representative of Iran said he wanted to see the word “consensus” added to the end of paragraph 13, so that the line would read: “The draft decision was not adopted by consensus.” It was important to follow the rules of procedure, which stated that all substantive decisions should be adopted by consensus.

The Conference President said he would “put it to the floor” as an oral amendment.

However, the representative of Iran said it was important to follow the rules instead of trying to create “problematics”. It was a statement of fact.

The representative of Mexico said he rejected Iran’s proposal because the language in the report was appropriate. He called for a vote as he was not comfortable with the Iran’s request.

After a brief suspension, the President said he would revise paragraph 13 to include the word “consensus”, as follows: “[...] the President proposed for the Conference’s adoption by consensus draft decision A/CONF/217/2013/L.3 [...]”.

In his closing remarks, the President said the result had been “disappointing” and cast a cloud on the United Nations’ capacity to achieve consensus results on such matters. The text was strong and balanced and, if implemented, “would make a difference”. The difference in interests and perspectives in the room had encouraged everyone to work hard during negotiations. He looked forward to presenting to the General Assembly on 2 April the Conference’s outcome. “The treaty is coming,” he reassured delegations.

\* \* \* \* \*

---

\* The 3<sup>rd</sup> through 16<sup>th</sup> Meetings were not covered.