



Misión Permanente de Costa Rica ante las Naciones Unidas

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Statement by H.E. Bruno Stagno Ugarte,
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New York, September 20th, 2006

Ministerial Presentation on Proposal for an Arms Trade Treaty (ATT)

Dear friends,

Yesterday, the President of Costa Rica and Nobel Peace Prize Laureate, Oscar Arias Sánchez, recalled how Aldoux Huxley once asked if Earth was not simply the hell of another planet. He offered the following response: “that for good or ill, our species writes history in draft form, never clearly, debating, like each one of us, a perpetual conflict between the best and worst angels of our nature.”

The arms industry is probably the most salient example of our creative and destructive spirit. Although significant steps have been taken to regulate the illicit trade in weapons, such efforts are bound to have limited success if the invisible hand alone of the market continues to rule the licit arms trade. Both by their quantity and availability, the weapons in circulation today are a threat to our stability and security, and a contributing factor to increased poverty.

Arms have legitimate uses, they have legitimate roles to play both nationally and internationally in terms of peace and security, but these uses must be controlled.

Since 1997, Costa Rica, along with a series of governmental and non-governmental partners, has been advocating for what has now evolved into the Arms Trade Treaty, that is, a mechanism to foster a culture of compliance by creating a legally binding connection between arms export standards and existing responsibilities of States under international law.

There are basically two approaches to regulating the arms trade, supply-side and demand-side. What the ATT proposes is to regulate the arms trade on both sides of the market using a single source of regulation and control. It is therefore a comprehensive approach that offers a preventative framework to the misuse of arms. In fact, it is an initiative that also allows us to redress the over-armament and under-development conundrum that unfortunately has taken such a heavy toll on so many countries.

Dear friends,

Let me review the six basic principles that underlie the ATT:

First, regarding the responsibilities of states, all international exports and transfers of arms and ammunition must be authorized by all States with jurisdiction over any part of the transfer. By authorized it is understood that the transfer is legal both under relevant national law and international law.

Second, regarding express limitations, States must not authorize international exports or transfers of arms or ammunition that violate their expressed obligations under international law, including, obligations under the Charter of the United Nations or binding resolutions of the Security Council, in particular those imposing arms embargoes. These limitations also include obligations that arise from other obligations that arise from customary and treaty law. It is important to stress that in making explicit reference to expressed obligations under international law, the ATT does not create additional obligations upon States.

Third, regarding limitations on use or likely use, States must not authorize international exports or transfers of arms or ammunition where they will be used or are likely to be used for violations of international law, serious violations of international humanitarian law or gross violations of human rights.

Fourth, the ATT incorporates additional factors that should be taken into account before authorizing arms exports or transfers, including the recipient's previous record of compliance with its own commitments in the field of non-proliferation, arms and munitions control, and disarmament.

Fifth, regarding transparency, States shall submit comprehensive national annual reports on all their international arms and ammunitions exports or transfers to an international registry.

Sixth, and finally, regarding comprehensive controls, States are to establish operative provisions to monitor enforcement and review procedures to ensure the full implementation of the basic global principles.

It is encouraging to see that a representative group of Member States is committed to the start of a UN-based process that would set the ATT in motion. We invite you to consider the draft resolution we will be presenting to the First Committee during this 61st session. Please join us in proving Aldoux Huxley wrong, in demonstrating that the international community is determined to tackle one of the elements of hell that still remain in our planet.