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## U.S. Statement on Conventional Weapons – Thematic Debate of UNGA first Committee

by **Ambassador Donald A. Mahley**

**Delivered to the Conventional Weapons Segment of Thematic Debate  
First Committee of the 64th United Nations General Assembly  
19 October, 2009**

It is an important time for consideration of conventional armaments. Small arms (SA) and light weapons (LW) have been attracting a great deal of attention, both in the UN Program of Action on Small Arms and Light Weapons and in the UN Group of Governmental Experts on the UN Register of Conventional Arms, which almost agreed to add SA/LW as a new category. UN Groups of Governmental Experts are being convened on military expenditures and ammunition. Consistent with the greater attention to the weapons that are being used on a daily basis around the world, the international community has been discussing for two years now a legally-binding instrument to better regulate the transfers of arms and prevent these arms from reaching irresponsible parties. Everyone in this room should understand that the United States believes that poorly regulated transfers of arms pose very serious risks, and deserves our urgent attention.

Although arms transfers, whether they be small arms or multi-million-dollar combat aircraft, are matters of national decision and, in accordance with Article 51 of the United Nations Charter a right of all responsible governments for self-defense, they can also be primary sources of escalating terrorist action, potentially deadly genocidal actions by despotic warlords and totalitarian oppressors, proliferation nightmares, and destabilizing imbalances destroying the search for security and safe existence by millions of people.

The United States takes justifiable pride in our own national approach, both through law and through regulation, to control the transfer of arms and to ensure that, once transferred, those arms are retained and used for the legitimate purposes for which they were acquired. Every month, literally thousands of applications for export of weapons are reviewed in detail by the United States Government, measured against stringent standards, filtered by available intelligence information and assessments, and approved only when there is realistic and reasonable evidence the intended recipient has both a legitimate requirement for the capability conveyed by the prospective transfer and sufficient safeguards in place to preclude either deliberate retransfer or "leakage" to other less savory end uses due to lack of accountability.

This process requires enormous effort, by both the government and by potential exporters. It is expensive, and it results in denying exports in questionable circumstances. That can work to the commercial disadvantage of United States firms. But it is the price that we believe must be paid to try to stem the flow of capabilities to the terrorist groups, rogue states, and others who would undermine the rule of law in international affairs. It is also why the United States believes very strongly it is the responsibility of the entire international community in deliberations about conventional armaments to settle for no less than the highest possible standards in international agreements and in reporting activities. It is, therefore, also the target for the Arms Trade Treaty (ATT) negotiations.

The United Nations this year is taking up the issues of conventional armaments seriously, and the United States applauds that effort. The Resolution pending on proceeding to a Conference on Arms Trade is this year an improved approach that the United States is prepared to support vigorously.

The draft ATT resolution currently calls for five weeks of work before an ATT Conference in 2012. For serious consideration of a complex and important topic like this, that is very little time. In fact, were it not for the very able leadership of Ambassador Roberto Garcia Moritan in the Open-Ended Working

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October 2009						
M	T	W	T	F	S	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	
<a href="#">« Sep</a>						

Group (OEWG), I would say it is an impossible task. The United States understands the desire of many to seize this topic quickly and begin concrete work aiming to diminish the death, instability, and disruption that dubious arms transfers can exacerbate. But this calls for all the participants in these discussions to recognize the enormous responsibility of using the scarce available time to utmost effectiveness. We simply cannot allow the work time to be used up by repetitive, vacuous and substance-free general statements, no matter how appealing they may sound. We must, instead, use each day to put forward for serious consideration and review substantive proposals, not of what should be excluded from a legally-binding document, but of what should be included to establish the high standards and effective implementation that will be required for a successful product. We encourage Ambassador Moritan to take this approach in the upcoming sessions.

As for the United States, we pledge to offer at the next meeting a menu of the kinds of substantive requirements we believe will be necessary to include in any successful outcome of deliberations on an ATT, to demonstrate their utility, and then to defend and support those provisions. An effective ATT is a difficult and complex undertaking, one which will require considerable domestic effort as well as international cooperation and transparency.

The United States believes the subject of an Arms Trade Treaty is indeed sufficiently important to national security and international stability that the deliberations need to produce decisions on the basis of consensus, in order to command the widest possible participation. A document that failed to gain support from important international actors capable of acting outside its reach, undercut the objectives and purposes of the framers would be, in our view, worse than having no document at all. Consensus is a crucial concept for the United States, to ensure the high standards necessary in an effective outcome to our future deliberations. It is not, nor should others hope it to be, an excuse for avoiding hard choices or real, deliberative controls. There will no doubt be serious, lengthy deliberation over most of the elements of any outcome. In fact, it has been our experience – sometimes painful – over more than four decades of such deliberations that there is an inevitable rush by many participants to seek simplified or shallow provisions because they “sound good” or are easily agreed to. The United States simply considers the subject of conventional arms transfers, with their pervasiveness, their dual-use capabilities, and their potential harm, too important to national security to be treated with less than the level of detail and engagement they deserve. This will not make deliberations easier, but it will give them the greatest chance of being meaningful and of commanding both the attention and participation by the states necessary to their eventual success.

Let there be no doubt. The United States, on the basis of the current draft resolution, is prepared to engage substantively, vigorously, and extensively in pursuit of a product that establishes high standards of expected conduct in international activity and in national enforcement. What we are not prepared to do is to rush to judgment by approving a weak or loophole-infested product in order to get quick agreement from those states who would like to continue to support, however directly or indirectly, terrorists, pirates, and genocidal warlords for a quick profit or short-term advantage.

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