

Statement by Ambassador Sujata Mehta, Permanent Representative to the
Conference on Disarmament, Geneva, on Closing Plenary of the UN Conference on
Arms Trade Treaty on March 28, 2013

Mr President,

The road to this final session of the Conference has been a long one and we thank you for having guided this process all through in a skilful manner and for ensuring some improvements in the final draft as compared to the draft of July 2012 which served as the basis of our negotiations. However, in the view of the Indian delegation the final draft falls short of our expectations and a number of other key stakeholders in producing a text that is clear, balanced and implementable and able to attract universal adherence.

At the commencement of this Conference India had made clear that the ATT should make a real impact on illicit trafficking in conventional arms and their illicit use especially by terrorists and other unauthorized and unlawful non-State actors. The provisions in the final draft on terrorism and non-state actors are weak and diffused and find no mention in the specific prohibitions of the Treaty.

India has stressed consistently that the ATT should ensure a balance of obligations between exporting and importing states. India cannot 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.

The relevant provisions in the final draft do not meet our requirements. There is a fundamental imbalance in the text which is flawed as the weight of obligations is tilted against importing States. As an importing state we will take measures to ensure that the treaty does not affect the stability and predictability of defense cooperation agreements and contracts entered into by India.

India has been an active participant in these negotiations. Underlying our participation in these extended negotiations was the principle that member states have a legitimate right to self-defence and our belief that there is no conflict between the pursuit of national security objectives and the aspiration that the Arms Trade Treaty be strong, balanced and effective. This is consistent with the strong and effective national export controls that India already has in place with respect to export of defence items.

While India has negotiated in good faith and in an open and transparent manner with respect to our essential interests, the final draft has the tell tale marks of behind-the-scenes carve outs of exclusive interests of a select few countries, such as egregiously excluding non-state actors or arms transfers as gifts or loans, thus seriously diminishing the value of a multilateral Treaty negotiated in the UN. We have stressed that universal adherence to this Treaty would not be possible unless all stakeholders were on board and this includes major exporting as well as importing states.

The final draft text will be examined carefully and in detail. The Government of India will undertake a thorough assessment of the ATT from the perspective of our defence, security and foreign policy interests. Our participation in this session does

not in any way prejudice our position on the substantive aspects of the Treaty and should not be construed in any way as our endorsement. We would wish this to be reflected in full in the record of this meeting and annexed to the report of the Conference.

A delegation took the position here today that there is no common understanding of the word consensus. For my delegation, the implications of the statement are very grave. My delegation is constrained to place on record that this characterisation of consensus is incorrect and the principle of consensus is well understood and operated within the UN and in disarmament negotiations in the UN. We continue to abide by it and respect it.

I thank you, Mr. President.

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