Closing the Deal on an Effective Arms Trade Treaty

February 19, 2013

President Barack Obama
The White House
Washington, D.C.

Dear Mr. President:

We appreciate your administration's stated support for the conclusion of negotiations for an effective Arms Trade Treaty at the Final United Nations Conference March 18-28 in New York.

We recognize that the March conference will be of limited duration and the draft text of the Arms Trade Treaty tabled on 26 July 2012 will be the basis of the negotiations. While a number of issues raised by the draft text require attention, we write to highlight three key points on which your leadership is particularly important.

1. Banning Arms for Atrocities: The conclusion of an Arms Trade Treaty that sets a clear standard for the express prohibition of an arms transfer would be an enduring human rights and international security legacy for your presidency.

The July 26 text (Art. 3, para 3) states that: "A State Party shall not authorize a transfer of conventional arms within the scope of this Treaty for the purpose of facilitating the commission of genocide, crimes against humanity, war crimes constituting grave breaches of the Geneva Conventions of 1949, or serious violations of Common Article 3 of the Geneva Conventions of 1949."

This provision presumes that the exporting state itself intends to facilitate crimes against humanity, genocide or certain war crimes. We fear that because it depends on proof of a state's intentionality, this provision would never be applied. Moreover, the provision defines "war crimes" in a limited manner, referring to war crimes only as those constituting grave breaches of the Geneva Conventions of 1949, or serious violations of Common Article 3.

Also, to address non-conflict situations where crimes against humanity have not been determined, Article 3 should expressly prohibit international transfers of conventional arms to a perpetrator of a consistent pattern of serious violations of international human rights law. Please work with other responsible leaders to strengthen this provision to ensure that the treaty prohibits arms transfers that will aid and abet the world's worst crimes.

2. Human Rights Risk Assessment: Article 4 can be considered the treaty's centerpiece, requiring states to assess the risk of a proposed export being used to commit or facilitate a serious violation of international human rights or humanitarian law, or acts of terrorism.

Given the gravity of this responsibility, the text of Article 4 should be strengthened to ensure that exporting states undertake a rigorous assessment of risks and ensure that risk mitigation procedures become an integral part of national export control systems.

3. Ammunition: As we and many states, including close U.S. allies, have underscored before, the flow of ammunition helps to feed and prolong conflicts and armed violence. The exclusion of ammunition from the scope of the treaty would greatly reduce the treaty's ability to achieve

many of its most important goals. For that reason, the ATT should reflect existing widespread State practice and explicitly include munitions, ammunition, and parts and components.

Article 6 (para. 4) of the July 26 draft would require that: “Each State Party shall establish and maintain a national control system to regulate the export of ammunition for conventional arms under the scope of this Treaty.” The United States already licenses the import and export of ammunition. With that in mind, we urge you to support the inclusion of ammunition within the scope of the treaty.

The United States, as the world's leading arms supplier, has a special responsibility to provide the leadership needed for an ATT with the highest possible standards for the transfer of conventional arms and ammunition.

As then-Secretary of State Hillary Rodham Clinton said in July 2012 at the U.S. Holocaust Memorial on preventing the mass slaughter of civilians, there must be a new emphasis on prevention. She said we can "directly pressure those who organize atrocities and cut off the resources they need to continue their violence."

The Arms Trade Treaty can provide a key tool to help reduce enormous human suffering caused by irresponsible international arms transfers and arms brokering.

We stand ready to support your efforts to counter myths and misinformation about the ATT and to build wider support and understanding on Capitol Hill, in the media, and with the American people on the role and importance of this initiative.

We encourage you and your team to seize the historic opportunity.

Sincerely,

Melanie Cohen Greenberg, President,
Alliance for Peacebuilding

Eric Sapp, Executive Director,
American Values Network

Frank Jannuzi, Head of DC Office,
Amnesty International USA

Daryl G. Kimball, Executive Director,
Arms Control Association

Noah Zerbe, Chair,
Association of Concerned Africa Scholars

Sister Helen Ojario, O. Carm., Chief Administrative Officer,
Carmelite NGO New York Office

William D. Hartung, Director, Arms and Security Project,
Center for International Policy

Stanley J. Noffsinger, General Secretary,
Church of the Brethren

John Converset, MCCJ, Office of Justice & Peace,
North American Province, Comboni Missionaries

Eli S. McCarthy, PhD., Justice and Peace Director,
Conference of Major Superiors of Men (CMSM)

Kathi Lynn Austin, Executive Director,
Conflict Awareness Project

Yonas Mehari, DVM, MS, Director,
Eritrean Community for Human Rights and Refugee Protection

Emira Woods, Co-Director,
Foreign Policy In Focus

Diane Randall, Executive Secretary,
Friends Committee on National Legislation

Krista Hendry, Executive Director,
Fund for Peace

Katherine Prizeman, Director Disarmament Program,
Global Action to Prevent War

Don Krauss, President and CEO,
GlobalSolutions.org

Michael Christ, Executive Director,
International Physicians to Prevent Nuclear War

Kathleen McNeely, Director,
Maryknoll Office for Global Concerns

J. Ron Byler , Executive Director,
Mennonite Central Committee U.S.

Galen Carey, Vice President, Government Relations,
National Association of Evangelicals

Alexander Patico, North American Secretary,
Orthodox Peace Fellowship

Simone Campbell, SSS, Executive Director,
NETWORK, A National Catholic Social Justice Lobby

Raymond C. Offenheiser, President,
Oxfam America

Ross Robertson MP, President,
Parliamentarians for Global Action

Jon Rainwater, Executive Director,
Peace Education Fund

Catherine Thomasson, MD, Executive Director,
Physicians for Social Responsibility

Teri Hadro, BVM, President, Leadership Team,
Sisters of Charity of the Blessed Virgin Mary

Celine Paramunda, UN Representative,
Society of Catholic Medical Missionaries

Lisa Schirch, Director,
3P Human Security

Bruce Knotts, Director, United Nations Office,
Unitarian Universalist Association

Thomas H. Andrews, President and CEO,
United to End Genocide

James E. Winkler, General Secretary,
General Board of Church and Society, The United Methodist Church

Patrick Madden, Executive Director,
United Nations Association of the USA

Zelia Cordeiro and Felix Jones, Co-Directors,
VIVAT International

Joy Olson, Executive Director,
Washington Office on Latin America

cc: National Security Advisor Thomas Donilon
White House Chief of Staff Denis McDonough
Secretary of State John Kerry
Acting Undersecretary of State for Arms Control and Intl. Security Rose Gottemoeller

Please address replies to: 1313 L Street, NW, Washington, D.C. 20005