

# Toward A Robust and Effective Arms Trade Treaty

May 22, 2012

President Barack Obama  
The White House  
Pennsylvania Avenue NW  
Washington, D.C.

Dear President Obama:

We are writing to encourage you and your administration to spare no effort to seize the historic opportunity to negotiate a robust, bullet-proof Arms Trade Treaty (ATT) this July at the United Nations in New York.

Thousands of civilians around the globe are slaughtered each year by weapons that are sold, transferred by governments or diverted to unscrupulous regimes, criminals, illegal militias, and terrorist groups. The lack of high common international standards in the global arms trade also raises the risks faced by United States military and civilian personnel working around the globe. It is in U.S. security interests to help reduce the human suffering and instability caused by the lack of an effective international legal regulatory framework on conventional arms transfers.

By helping to stem the flow of weapons to irresponsible end users, a robust and comprehensive ATT can help save innocent lives, help protect women and children, contribute to economic and social development, promote regional stability, and protect human rights. We encourage you and your team to pursue a treaty with the highest possible standards for the import, export and transfer of conventional arms.

To be effective, we believe the ATT must incorporate the following elements:

**1. Strong Criteria Explicitly Linked to Human Rights Law and International Humanitarian Law.** The ATT must prevent states from transferring conventional arms in contravention of UN arms embargoes and when it is determined there is a substantial risk the items will be used for serious violations of international human rights law or international humanitarian law.

A key question in the negotiations will be whether the treaty will require states, after determining there is a substantial risk of a potential transfer of arms violating international human rights or humanitarian law, to withhold the transfer or whether the ATT will simply require states “take into account” the potential risks associated with the transfer and still allow a transfer authorization to proceed based on larger economic or security concerns.

A “take into account” approach is simply not acceptable because it will allow many states to ignore their existing obligations under international human rights law and international humanitarian law. We encourage you to be bold and work with like-minded states to achieve the strongest possible standard.

**2. Comprehensive Scope.** For the ATT to be effective, the ATT must apply to the broadest range of conventional arms possible—from military aircraft to small arms—as well as all types of international trade, transfers, and transactions in conventional weaponry. The ATT should also specifically require that national laws regulate the activities of international arms brokers and other intermediaries.

**3. Addressing the Ammunition Problem.** An ATT that does not regulate ammunition would be like a gun without bullets. The world is already full of guns. It is the constant flows of ammunition that feeds and prolongs conflicts and armed violence.

We understand that the United States has been reluctant to include ammunition within the scope of the ATT, mainly because of concerns about monitoring the use and re-transfers of such exports. We recognize that the global trade in ammunition is a complex issue. However, the exclusion of ammunition from the scope of the treaty would greatly reduce its ability to achieve many of its most important goals. The United States already licenses its import and export of ammunition. We strongly encourage your administration to develop and support creative, pragmatic approaches and to utilize the ATT to help monitor and regulate ammunition.

**4. A Common Sense Entry Into Force Formula.** We urge the United States to play an active role in reaching agreement on a pragmatic entry into force formula. The ATT's entry into force mechanism should seek to include enough states to create an effective global norm. However, it should avoid a formula that is so stringent as to allow some states to hold entry into force hostage and/or take so long to achieve as to delay the implementation of key provisions for many years.

**5. Correcting Misperceptions of the International Scope of the ATT.** No one, except maybe illicit arms dealers and human rights abusers, should oppose common-sense international law regulating the arms trade. We are disturbed by erroneous claims by some that the ATT will infringe on the right of U.S. citizens to legally possess firearms. We strongly encourage your administration to correct the record on this score and actively remind the American public of the value of the treaty in reducing the carnage created by illicit and irresponsible international arms transfers.

We urge you and your administration to play a strong leadership role. For example, we recommend that Secretary of State Clinton be tapped to deliver the United States' opening statement. This would give the process a boost and demonstrate your administration's commitment to a successful outcome.

Thank you for your consideration. We stand ready to assist you in this important endeavor.

Sincerely,

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cc: Secretary of State Hillary Rodham Clinton  
Ambassador to the United Nations Susan Rice  
Acting Undersecretary of State for Arms Control and Intl. Security Rose Gottemoeller  
National Security Advisor Thomas Donilon

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