

July 1, 2010

The Honorable Hillary Rodham Clinton  
Secretary of State  
US Department of State  
2201 C Street, NW  
Washington, D.C. 20520

**Re: Letter from 32 National NGOs in Advance of the First Preparatory Committee Meeting on the Arms Trade Treaty**

Dear Secretary Clinton:

We are writing in advance of the First Preparatory Committee meetings on the Arms Trade Treaty (ATT), set to run from July 12 to 23 at the United Nations. After years of discussions and countless lives and livelihoods lost as result of the irresponsible arms trade, **we welcome the start of formal negotiations on the first global, legally binding ATT**. We also welcome the United States' decision to join this treaty process and the extensive consultations your Department has undertaken in the months since. Now, as US and other governments prepare to gather at the UN this summer, **we urge you to seize this opportunity and demonstrate ambitious US leadership toward securing a strong treaty**.

The National Security Strategy released in May states that the US "will pursue an international order that recognizes the rights and responsibilities of all nations." Under the UN Charter, all states have the right to defend themselves and to procure weapons to that end. However, that right comes with responsibilities. Despite growing awareness of the devastating effects of irresponsible arms transfers, many governments continue to approve the export of weapons, munitions and military equipment to parties fueling armed conflicts, to governments known to be perpetrating serious violations of international human rights and humanitarian law, and to states where there are institutional and other substantial risks of diversion to unauthorized users.

While it is only one part of a global strategy, an ATT—and one codifying high standards—is essential to help prevent such irresponsible arms trading and ensure states live up to their responsibilities under international law. **A strong ATT would help stem the flow of weapons to irresponsible end users and save innocent lives**. It would also make the legal trade of conventional weapons more transparent, thereby enabling law enforcement and intelligence officials to better identify criminal actors engaged in illicit arms trade activities.

We seek a robust ATT that will save lives and improve the prospects for development. We cannot support an Arms Trade Treaty that does not contain certain key elements. We are therefore eager to see US leadership, without which an effective treaty will be impossible. While a comprehensive treaty will require US engagement on dozens of issues, **we appeal for your leadership during the First Preparatory Committee on the following most critical points:**

- **Strong Export Criteria:** The treaty should make clear that states have the responsibility to prevent arms transfers from undermining peace and stability. It must require governments to **assess whether there is a substantial risk that the specific transfer of arms will be used to facilitate serious violations** of international human rights law or international humanitarian law,

undermine socioeconomic development, or facilitate terrorist attacks or organized crime. The ATT should be a preventive instrument that requires states to suspend particular transfers in circumstances where, following a rigorous, objective case-by-case review of those proposed transfers by the exporting state, that state decides that there is a strong possibility the items will be used for violations.

- **Inclusive Scope:** To be effective, an ATT must cover the broadest possible range of conventional arms, as well as the broadest possible definition of international transfers. **It must regulate the international transfer of all types of conventional arms, their ammunition, and their components.** In addition, to avoid the creation of loopholes, a strong ATT should include a broad definition of the forms of transfer, including government-sanctioned transfers as well as the commercial trade. Transactions that facilitate international transfers of conventional arms should also be covered by an ATT. Chief among these would be the requirement of countries to adopt national laws that regulate the activities of arms brokers and other intermediaries.
- **Civil Society Inclusion in the Process:** The National Security Strategy asserts that “in the 21<sup>st</sup> century, the ability of individuals and nongovernment actors to play a positive role in shaping the international environment represents a distinct opportunity for the United States.” We couldn’t agree more. Thus, **we appeal to you to work with other states to ensure that civil society is included in the treaty negotiations.** Some states are likely to oppose civil society inclusion due to fear that their efforts to block strong human rights provisions will be made public. The experiences of people who actually witness the human costs of the irresponsible arms trade are vital to inform the detailed content of the Treaty. It has been common practice for nongovernmental organizations to participate in other treaty negotiations and preparatory committees established by the UN General Assembly, and we encourage you to help ensure this practice is continued through the ATT discussions.

In closing, we recognize that with only four weeks allotted for Preparatory Committee time before the final ATT conference in 2012, negotiations must be intensive, ambitious, and substantive from the outset. **It is therefore imperative for the US to approach this first Preparatory Committee with an ambitious agenda.** An international instrument of this magnitude requires every effort during negotiations to ensure it is as strong and effective as possible. We appreciate the hurdles involved in securing a truly strong and effective ATT. As US civil society representatives, we stand ready to engage with you and your team as the ATT is crafted, and offer any assistance we can provide. We thank you for your efforts thus far and look forward to your continued leadership on resolving this problem that harms so many people around the globe.

Sincerely,

**Africa Faith and Justice Network**  
Fr. Rocco Puopolo, Executive Director

**Americans for Informed Democracy**  
Karen Showalter, Executive Director

**American Task Force for Lebanon**  
George Cody, PhD, Executive Director

**Amnesty International USA**  
Larry Cox, Executive Director

**Arms Control Association**  
Daryl G. Kimball, Executive Director

**Better World Campaign**  
Peter Yeo, Executive Director

**Campaign for Innocent Victims in Conflict (CIVIC)**

Sarah Holewinski, Executive Director

**Caring for Kaela**

Nathalie Losson, Executive Director

**Center for International Policy**

William C. Goodfellow, Executive Director

**Citizens for Global Solutions**

Don Kraus, Chief Executive Officer

**Council for a Livable World**

John Isaacs, Executive Director

**Friends Committee on National Legislation**

Joe Volk, Executive Secretary

**Georgia Women's Action for New Directions  
Education Fund**

Bobbie Paul, Executive Director

**Guatemala Human Rights Commission/USA**

Amanda Martin, Director

**Human Rights First**

Elisa Massimino, President and CEO

**Just Foreign Policy**

Robert Naiman, Policy Director

**Maryknoll Office for Global Concerns**

Marie Dennis, Director

**Mennonite Central Committee US**

Rolando Santiago, PhD, Executive Director

**NETWORK, A National Catholic Social Justice Lobby**

Sister Simone Campbell, SSS, Executive Director

**Nuclear Age Peace Foundation**

David Krieger, President

**Oxfam America**

Raymond C. Offenheiser, President

**Peace Action West**

Jon Rainwater, Executive Director

**Physicians for Human Rights**

John C. Bradshaw, Washington Director

**Physicians for Social Responsibility**

Peter Wilk, MD, Executive Director

**Resolve Uganda**

Michael Poffenberger, Executive Director

**Survivor Corps**

Jerry White, Executive Director and Founder

**Unitarian Universalist Association of Congregations**

Rob Keithan, Director, Washington Office for Advocacy

**United Methodist General Board of Church and Society**

James E. Winkler, General Secretary

**United Nations Association of the United States  
America (UNA-USA)**

A. Edward Elmendorf, President and CEO

**Washington Office on Latin America**

Joy Olson, Executive Director

**Women's Action for New Directions (WAND)**

Susan Shaer, Executive Director

**3D Security Initiative**

Lisa Schirch, PhD, Director

Cc:

**Ellen O.Tauscher**, *Under Secretary for Arms Control and International Security*

**Ann K. Ganzer**, *Acting Deputy Assistant Secretary for Threat Reduction, Export Controls, and Negotiations, Bureau of International Security and Nonproliferation*

**Ambassador Donald Mahley**, *Special Negotiator for Nonproliferation, Bureau of International Security and Nonproliferation*

**Brian H. Nilsson**, *Director, Non-Proliferation and Arms Control, National Security Council*