



Congress of the United States
House of Representatives
Washington, DC 20515

September 5, 2014

President Barack Obama
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama:

As the preparatory process begins for the First Conference of States Parties (CSP) to the Arms Trade Treaty, I write to express my concern and regret at the closed nature of this process, and to register my conviction that this process is yet another reason why it is not in the national interest of the United States to ratify the treaty.

As you know, the treaty requires fifty national ratifications to come into force for those nations that have ratified it. To date, it has received forty five. In anticipation of further ratifications, preparations led by the Government of Mexico are under way for the First CSP.

The initial Informal Consultations on the First CSP are to be held on September 8-9, 2014. My office has been informed that the Government of Mexico has asked Control Arms, an advocacy organization that has led the campaign for the treaty, to be the focal point for civil society participation in these consultations, and that Control Arms is allowing only organizations that support and promote the treaty to participate in them.

Your administration, like many others that participated in the negotiation of the treaty – and, indeed, like the United Nations itself – has regularly lauded the participation of civil society organizations in the negotiation process. Similarly, your administration has regularly recognized that the implementation of the treaty is as significant as its negotiation. The First CSP is a vital part of that implementation.

Finally, your administration has emphasized the importance you attach to ensuring that the treaty remains within the United Nations and is not – unlike several other treaties on conventional arms – taken outside the U.N. and controlled by advocacy organizations.

I wish to make it entirely clear that my opposition to the Arms Trade Treaty, like the opposition repeatedly expressed on a bipartisan basis by the Senate and House, remains steadfast. But I also wish to express my concern that closed consultations would exclude many U.S. and international civil society organizations – including the World Forum on Shooting Activities, the Sporting Arms and Ammunition Manufacturers' Institute, the Defense Small Arms Advisory Council, and The Heritage Foundation -- that have up to this point participated in the ATT process.

As you know, civil society organizations, once properly accredited, participate in U.N. activities on the basis that they do not speak for, or make commitments on behalf of, national governments. Rather, they reflect a range of views on the subject under discussion, and serve as a channel both for the expression of those views in the U.N., and for conveying their views on activities at the U.N. to the peoples of the United States and other nations. That is why I value their participation in the ATT process, even as I continue to oppose U.S. ratification of the treaty.

The U.N. was founded on the principle that vital problems in international affairs must be debated by the full diversity of those interested in them, and that these problems cannot be considered within a closed and limited circle, but must be discussed in an open and transparent manner. The ATT process, like the U.N., was supposedly based on this principle.

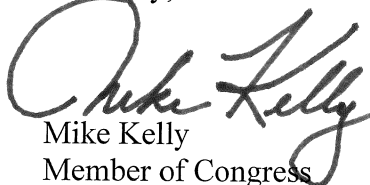
It is a flagrant violation of this principle for a member nation to outsource the participation of civil society organizations in U.N. activities to one such organization, and for that organization to then restrict participation to those organizations that have a record of campaigning with it. If a U.N. activity is open to one civil society organization, it must be open to all such organizations that are properly accredited with the relevant U.N. body.

The apparent failure of the U.N., the Government of Mexico, and Control Arms to respect this founding principle raises serious concerns. It is clear that the promoters of the treaty wish to keep their deliberations within a closed and secret circle that is secure from all scrutiny. It is also clear that your administration's efforts to keep the treaty process within the U.N. system have produced the worst of all outcomes: a treaty backed by the nominal authority of the U.N., but dominated in practice by the advocacy organizations.

I urge you to protest the manner in which the Informal Consultations for the First CSP for the Arms Trade Treaty are being conducted. I reiterate my pledge to lead my colleagues in opposing the ratification of this treaty. Finally, I register my conviction that the desire of the treaty's advocates to conduct their work in secret is yet another reason why it is not in the interests of the United States for the Senate to give its advice and consent to this treaty, and why the full Congress should not pass implementing legislation, as required, to give effect to it.

I appreciate your consideration on this issue and look forward to your response.

Sincerely,


Mike Kelly
Member of Congress