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**POSITION PAPER:
CONVENTIONAL ARMS AND ATT**

by

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Position: The adoption of an international arms trade treaty is an integral step in improving arms transfer practices and thus reducing global violence.

The Arms Trade Treaty: The proposed Arms Trade Treaty (ATT) is designed to prevent the use of conventional arms to violate human rights and the proliferation of illegal arms trafficking.

Discussion of an ATT started with the Nobel Peace Laureates' International Code of Conduct on Arms Transfers in 1997. This Code was intended to include all transfers of arms, munitions, and parts. It stipulated that countries wishing to purchase arms had to demonstrate the promotion of democracy, the protection of human rights, and transparency in military spending. It further prohibited sales to nations that supported terrorist activities or that were aggressive towards other nations (Nuclear Age Peace Foundation, 1997). This Code developed into a proposal for an international treaty under the United Nations (UN) General Assembly Resolution 61/89. This Resolution mandated the creation of a group of governmental experts to first determine the feasibility and scope of such a document, and then propose a treaty draft. Negotiations over the text of an ATT will commence in the UN in July 2012.

According to the latest paper of the Chair, the main elements of an ATT should include all conventional arms, their ammunition, their parts and components, and any technology or equipment used to develop, manufacture, or maintain the aforementioned elements. The treaty will seek to promote the goals of the UN Charter; establish standards for import, export, and transfer; prevent, combat, and eradicate the illicit market; prevent transfers that facilitate human rights violations; promote transparency and accountability among States; and have a universal application (Chairman's draft paper, 2011).

The Arias Foundation supports an ATT that regulates all types of transfers relating to conventional arms as well as all parts and ammunition of conventional weapons. The Arias Foundation supports an ATT that holds governments accountable for ensuring that arms transfers are not approved to countries under a UN arms embargoes, or to countries that exhibit significant risk that the arms will be used to commit human rights violations. Through the promotion of transparency, an ATT will act to protect the basic human right of citizen security.

Current Initiatives: The proposed Arms Trade Treaty will not impose an entirely new framework for the control and regulation of conventional arms transfers. Rather, it will establish basic, international standards to guide arms transfers based on States' obligations under existing international law, human rights law, and international human rights law.

The UN currently supports three initiatives to control and monitor the use of conventional weapons, which demonstrate important steps already taken in this area. The first initiative is the UN Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, more commonly referred to as the Firearms Protocol.

The purpose of the Firearms Protocol is to “promote, facilitate and strengthen cooperation among State Parties in order to prevent, combat and eradicate the illicit manufacturing of and trafficking in firearms, their parts and components, and ammunition” (United Nations Fifty-Fifth Session, 2001, p. 3). This protocol represents “the only global legally-binding instrument addressing the issue of small arms” to date (UN PoA, 2008, para. 3). The Firearms Protocol requires member States to treat illicit manufacturing, trafficking, or tampering of firearms as a criminal offense; to maintain records on arms manufacturing and trafficking; and to participate in the exchange of relevant information among States (United Nations, 2001).

The Firearms Protocol led to the development of the Programme of Action (PoA), a policy framework that resolves to “prevent, combat, and eradicate the illicit trade in small arms and light weapons” by monitoring, developing, and implementing programs at the regional, national, and international level (UN PoA, 2001, para. 22).

The PoA furthermore seeks to encourage civil society to hold States accountable for arms trafficking and to bring attention to high risk regions (UN PoA, 2001). This initiative led to the creation of the International Tracing Instrument, which allows states “to identify and trace, in a timely and reliable manner, illicit small arms and light weapons” (UN PoA, 2008). Small Arms Survey (2011g) shows, however, that the PoA’s dependence upon nation state reporting has made progress difficult. Reporting trends vary greatly by region. A lack of reporting has been especially prominent in Oceania and parts of the Americas, leading to incomplete data sets and assessments (Small Arms, 2011g, p. 1).

The third initiative currently supported by the UN is the Register of Conventional Firearms (UN Register). The UN Register is designed to promote transparency in arms acquisitions through voluntary nation state reporting on seven types of conventional arms: battle tanks, armored combat vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, and missiles and missile launchers (United Nations Office for Disarmament Affairs [UNODA], 2011). The UN Register remains the only global UN instrument to track both import and export values of conventional arms (UN PoA, 2008). Although the UN Register has compiled a large and valuable dataset, it is stunted by voluntary reporting and a limited scope of arms (Wallacher and Harang, 2011, p. 3).

These initiatives constitute important steps towards the international regulation of arms transfers. Nonetheless, the majority of these and other arms transfer control systems suffer from gaps and weaknesses, which allow the illicit trafficking of conventional arms and related human rights violations to persist. The world still lacks an international and legally binding instrument that ensures that the controls established by one State or region are not undermined by less responsible actors. An Arms Trade Treaty will fill these gaps and will improve existing initiatives by establishing international standards for either approving or prohibiting arms transfers, and encouraging transparency through reporting and exchanging information.

Arms Trade: Currently, military expenditure in many countries far exceeds the value necessary to respond to legitimate security threats. A high level of global military expenditure (which continues to increase) fuels mistrust among States and threatens global security. An ATT will promote transparency in arms acquisitions that will deter the threat of an arms race and will foster greater trust among nations.

The international arms trade is a lucrative business that has continued to grow in spite of the global economic recession (Stockholm International Peace Research Institute [SIPRI], 2011a). SIPRI (2011b) reports that the global average volume of arms transfers between the years of 2006 and 2010 was 24 percent higher than the average volume between the years of 2001 and 2005 (para. 10). From 2006 to 2010, Asia and Oceania represented 43 percent of all imports, followed by Europe at 21 percent, the Middle East at 17 percent, the Americas at 12 percent, and Africa at 7 percent (SIPRI, 2011b, para. 10). The United States accounted for 30 percent of global arms exports between the years of 2006 and 2010, making it the largest exporter of military equipment (SIPRI, 2011b, para. 10). SIPRI (2012) estimated world military expenditure in 2011 to be \$1.74 trillion (para. 1).

The annual total value of authorized international transfers of small arms and light weapons is \$1.1 billion (Small Arms Survey, 2011a, p. 9). The documented trade of annual light weapons imports alone is valued at \$242 million (Small Arms, 2011a, p. 20), while the estimated value of undocumented annual light weapons imports is \$872 million (Small Arms, 2011a, p.21). Including ammunitions, the global authorized trade of small arms and light weapons reaches approximately \$7.1 billion per year (Small Arms, 2011d, para. 7; Small Arms, 2011f, p.1).

The top importers of small arms and light weapons in 2008 were: the United States, Canada, the United Kingdom, Germany, Austria, France, and Pakistan (Small Arms, 2011a, p. 10). These nations each have an annual import total of \$100 million or more (Small Arms, 2011a, p. 10). United States imports alone account for \$1.27 billion (Small Arms, 2011a, p.10). According to the Small Arms Survey (2011a) between 2000 and 2009, U.S. imports increased by 246 percent (p. 11).

Global peace and stability become threatened as nation States increase weapon expenditure under the façade of legitimate security concerns. An ATT will foster transparency in the arms trade, thus indirectly decreasing the perceived need for arms expenditure, and protecting the security of all nations involved.

Arms Transparency: An ATT would foster greater transparency with respect to the arms trade, military expenditure, and arms ownership, resulting in increased trust and security among nation States.

In regards to small arms and light weapons, Switzerland, the United Kingdom, Germany, Serbia, and Romania are the most transparent exporters, while Iran and North Korea are the

least transparent exporters (Small Arms, 2011a, p. 9). This information is based on the transparency barometer that compiles data from national arms export reports, the UN Register of Conventional Firearms, and UN Comtrade (Small Arms, 2011a, p. 15). Of 52 countries evaluated, Mexico, Argentina, and Brazil were the only Latin American countries included, ranked at 32nd, 34th, and 39th place, respectively (Small Arms, 2011a, p. 17). This demonstrates a great lack of available information and country-specific reporting, which an ATT can revive. By holding international reporting standards, arms trade exportation and importation information will be available from all participating nation states, allowing for any mishandling to be noted and sanctioned.

Private security arms ownership is another area lacking transparency. Private security personnel are estimated to possess as many as four million firearms worldwide (Small Arms, 2011d, para. 2). Small Arms Survey (2011d) ranked Latin America as the region with the highest ratio of arms per employee, a ratio that is about ten times greater than in Western Europe (para. 2). These private security company arms stockpiles are just one of many areas that lack transparency and regulation (Small Arms, 2011b, p. 2).

Illicit Trafficking: Better regulation of the legal arms trade is the key to tackling the problem of the illicit arms trade. Problems in the arms trade arise when weapons reach nation States or private businesses that then transport them to sanctioned countries or use them for inhumane acts. Oxfam America (2011) reports that “arms brokers have funneled arms to almost every country under a UN arms embargoes in the last 15 years, often fueling armed conflict and serious human rights violations” (p. 4). Brokers can obtain fake end-user certificates that enable them to operate abroad where national laws do not have jurisdiction (Oxfam America, 2011, p. 7). For example, during the internal conflicts in Liberia, soldiers and warriors used Asian and European arms that had been funneled into the country via another location (Oxfam America, 2008, p. 8). The lack of effective legal regulations provides illicit brokers with the opportunity to operate, an opportunity which can be eradicated with the ratification and acceptance of an ATT (Oxfam America, 2011). An ATT will provide the international standards needed to close the loopholes on which arms brokers rely.

Surplus Trade: The trade in surplus arms fosters the use of weapons in human rights abuses as surplus materials are often transferred to sanctioned regions. Small Arms Survey (2011e) reports that “civilian ownership is growing as fewer firearms are destroyed and more are produced” (p. 1). As more guns are manufactured each year, surplus weaponry and parts are reentered for export into the arms market, often reaching sanctioned countries (Small Arms, 2011c, p. 5, 11). According to Small Arms Survey (2011c), surplus transfers generally involve a mix of small arms, light weapons, ammunition, and larger conventional weapons systems (p. 1). On average from 2006 to 2009 the authorized trade for small arms and light weapons ammunition was \$4.3 billion annually (Small Arms, 2011c, p.2). Small Arms Survey (2011c) estimates that unreported authorized transactions of small arms ammunition are worth at least \$169 million (p. 2). Despite numerous destruction programs on the regional, national, and international levels, surpluses are still found in the international markets (Small Arms, 2011c,

p. 4, 11). This demonstrates yet another need for a comprehensive ATT, to address issues of surplus and ensure this excess does not get funneled into illicit trafficking to sanctioned countries.

Global Violence: The ratification of an international ATT will work to decrease global violence and subsequent human rights abuses.

Despite a reported increase in international activism, including a nine fold increase in the number of ongoing disarmament, demobilization, and reintegration operations between the years of 1989 and 2008 (Human Security Research Group, 2011, p. 6), lethal violence claims 526,000 lives each year (Geneva Declaration on Armed Violence and Development, 2011a, p. 1). Of these 526,000 deaths, only 12.2 percent occur in conflict settings, leaving 87.8 percent in non-conflict settings (Geneva Declaration, 2011b, p.52). This corresponds to 55,000 deaths due to direct conflict (or terrorism), 396,000 intentional homicide deaths, 54,000 unintentional homicide deaths, and 21,000 deaths by law enforcement actions, per year (Geneva Declaration, 2011c, p. 1). The Geneva Declaration (2011a) also reports that 25 percent of violent deaths occur in only 14 countries, which are home to less than five percent of the world's population, and of these 14 countries, seven are in the Americas (p. 6). With a global violent death rate of 7.9 per 100,000 people, the top regions affected by lethal violence are Central America (29.0 per 100,000), Southern Africa (27.4 per 100,000), and the Caribbean (22.4 per 100,000) (Geneva Declaration, 2011b, p. 51, 60). The impact of such violence, however, extends far beyond death rates. The Geneva Declaration (2011b) states that, "for each person killed, many more are injured or experience prolonged physical and psychological wounds" (p. 43). When assessing the importance of an international arms trade treaty, each of these factors must be taken into account.

The researchers of the Geneva Declaration (2011a) state that firearms play an important role in the perpetuation of violence in communities (p. 7). Statistics demonstrate that 78 percent of the countries that have at least 70 percent of homicides due to firearms also have high homicide rates of 20 or more per 100,000 people (Geneva Declaration, 2011a, p. 7). Reducing armed violence thus corresponds with positive development outcomes and achievements in the UN Millennium Development Goals (Geneva Declaration, 2011a). Oxfam America (2008) reports that "In Burundi... a country with per capita government expenditure on health of \$5, each firearm injury costs the health system \$163... gunshot wounds accounts for 75 per cent of medical spending on violent injuries" (p. 2). With such a large amount of health spending on injuries of violence, there is little or no funding left for other health necessities such as vaccinations and medication. The acceptance of an ATT would provide the regulatory standards and guidelines to control the proliferation of firearms used to commit these violent crimes against humanity, and indirectly contribute to improvements in economic, social, and cultural rights.

Conclusion: By controlling the international conventional arms trade, an ATT represents one step toward a safer global community. An ATT will amend the current lack of mandated

international standards on comprehensive arms transferring. Through its direct impact on trade and illicit trafficking, an ATT will also work to decrease rates of violence across the globe. As noted by Axworthy and Dean (2011), public support and engaged leaders are imperative in the adoption of an ATT. The Arias Foundation therefore invites the esteemed members of InterAction to discuss their opinions of an ATT and demonstrate their support as negotiations begin in July 2012.

Works Cited

Arms Control Association. "Convention on Certain Conventional Weapons (CCW) At a Axworthy, T. & Dean, R. (2011, May 29-31). A scan of existing arms control treaties with lessons learned. Retrieved from <http://interactioncouncil.org/scan-existing-arms-control-treaties-lessons-learned>

Chairman's draft paper. (2011, July 14).

Human Security Research Group. (2010, December 2). Human security report 2009/2010: The causes of peace and the shrinking costs of war. Retrieved from <http://www.hsrgroup.org/human-security-reports/20092010/overview.aspx>

Geneva Declaration on Armed Violence and Development. (2011a). Lethal encounters. In *Global burden of armed violence 2011* (Executive summary). Retrieved from <http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2011.html>

Geneva Declaration on Armed Violence and Development. (2011b). Trends and patterns of lethal violence. In *Global burden of armed violence 2011* (Chapter 2). Retrieved from <http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2011.html>

Geneva Declaration on Armed Violence and Development. (2011c, October 27). Nine out of ten violent deaths occur outside conflicts [Press release]. Retrieved from <http://www.genevadeclaration.org/measurability/global-burden-of-armed-violence/global-burden-of-armed-violence-2011.html>

Nuclear Age Peace Foundation. (1997). Nobel Peace Laureates' International Code of Conduct on Arms Transfers. Retrieved from http://www.wagingpeace.org/articles/1997/05/00_nobel-code-conduct.htm

Oxfam America. (2008, October). Shooting down the MDGs: How irresponsible arms transfers undermine development goals. Retrieved from <http://www.oxfam.org/en/policy/shooting-down-mdgs>

Oxfam America. (2011, October 6). Beyond Viktor Bout: Why the United States needs an Arms Trade Treaty. Retrieved from [http://www.oxfamamerica.org/publications/beyond-viktor-bout/?searchterm=beyond viktor bout](http://www.oxfamamerica.org/publications/beyond-viktor-bout/?searchterm=beyond%20viktor%20bout)

Parker, S. (2011). Balancing act: Regulation of civilian firearm possession. In *Small arms survey 2011: States of security* (Chapter 9). Retrieved from <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2011.html>

Small Arms Survey. (2011a). Larger but less known: Authorized light weapons transfers. In *Small arms survey 2011: States of security* (Chapter 1). Retrieved from <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2011.html>

Small Arms Survey. (2011b, March). Private security companies' firearms stockpiles. Retrieved from <http://www.smallarmssurvey.org/publications/by-type/research-notes.html>

Small Arms Survey. (2011c, April). Scraping the barrel: The trade in surplus ammunition. Retrieved from <http://www.smallarmssurvey.org/publications/by-type/issue-briefs.html>

Small Arms Survey. (2011d, July 6). Private guards outnumber police, but remain outgunned [Press release]. Retrieved from <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2011.html>

Small Arms Survey. (2011e, September). Estimating civilian owned firearms. Retrieved from <http://www.smallarmssurvey.org/publications/by-type/research-notes.html>

Small Arms Survey. (2011f, October). Small arms transfers: Exporting states. Retrieved from <http://www.smallarmssurvey.org/publications/by-type/research-notes.html>

Small Arms Survey. (2011g, October). The PoA: Review of national reports. Retrieved from <http://www.smallarmssurvey.org/publications/by-type/research-notes.html>

Stockholm International Peace Research Institute. (2011a, February 21). Top global arms industry increases arms sales despite ongoing recession, says SIPRI [Press release]. Retrieved from <http://www.sipri.org/media/pressreleases/top100companies>

Stockholm International Peace Research Institute. (2011b, March 14). India world's largest arms importer according to new SIPRI data on international arms transfers [Press release]. Retrieved from <http://www.sipri.org/media/pressreleases/armstransfers>

Stockholm International Peace Research Institute. (2012, April 17). World military spending levels out after 13 years of increases [Press release]. Retrieved from <http://www.sipri.org/media/pressreleases/17-april-2012-world-military-spending-levels-out-after-13-years-of-increases-says-sipri>

United Nations Fifty-Fifth Session. (2001, June 8). *Protocol against the illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, supplementing the United Nations Convention against Transnational Organized Crime (A/Res/55/255)*. Retrieved from http://www.unodc.org/pdf/crime/a_res_55/255e.pdf

United Nations Office for Disarmament Affairs. (2011). *Transparency in armaments*. Retrieved from <http://www.un.org/disarmament/convarms/Register/DOCS/20111013RegisterFactsheet.pdf>

United Nations Programme of Action. (2001). *Programme of action to prevent, combat and eradicate the illicit trade in small arms and light weapons in all its aspects (UN Document A/CONF.192/15)*. Retrieved from <http://www.poa-iss.org/poa/poahtml.aspx>

United Nations Programme of Action. (2008). Implementation support system: PoA ISS. Retrieved from <http://www.poa-iss.org/poa/poa.aspx>

Wallacher, H. & Harang, A. (2011). Small, but lethal: Small arms ammunition and the arms trade treaty. Retrieved from http://controlarms.org/wordpress/wp-content/uploads/2011/03/Small-but-Lethal-Small-Arms-Ammunition-and-the-Arms-Trade-Treaty.PRIO_.pdf