



General Assembly First Committee Topic Background Guide
Topic 2: Controlling the Arms Trade¹

25 July 2014

Oxfam International is an international non-governmental organization based in the United Kingdom, whose mission is to promote development and human rights worldwide via humanitarian efforts including increasing public awareness of the causes of poverty and human rights like war.² According to Oxfam,

The irresponsible, excessive proliferation of arms and ammunition fuels and exacerbates conflict and armed violence. This is why arms control initiatives have major implications for the processes of socio-economic development. By implementing social and economic policies, as well as those relating to poverty reduction, development, security sector and arms control, governments can create the necessary environment to access essential services and enable people to make the choices and decisions that affect their daily lives. The poorly regulated trade in arms and ammunition weakens the ability and willingness of governments to create these enabling environments. Development gains are reversed as communities are paralysed; closing schools, placing immense strain on health systems, discouraging investment, and undermining security.³

Oxfam is not alone. Many development and human rights groups call attention to the direct costs in deaths and destruction caused by international and civil wars, as well as the indirect or “opportunity costs” caused by replacing economic and social programs with military spending. Amnesty International notes that a number of atrocities, such as war crimes and human rights abuses, occur as a result of the “wide range of weapons, munitions and military and security equipment” that are “provided to perpetrators in almost unlimited supply.” According to the organization, much of the fault lies with “governments [that] continue to license irresponsible arms flows that are used in human atrocities and abuse.”⁴

As noted by Sofia Borges, on behalf of GA President of the 68th session John Ashe, “partnerships are needed at the global and regional level to address external stressors that fuel instability and conflicts such as ... arms trade and trafficking.”⁵ Recently the potential for a “global partnership” has manifested in the form of the UN Arms Trade Treaty (ATT). According to Anna Macdonald, Director of the Control Arms Coalition, the ATT “will reduce human suffering, promote development and help tackle the inescapable link between poverty and armed violence. It can help reduce the suffering that women and children in particular experience during armed conflict.”⁶

¹ This background guide was written by Nicholas Potratz, Teaching Assistant, with contributions from Samantha Schorzman and Karen Adams, Faculty Advisor. Copyright 2014 by Karen Ruth Adams and Nicholas Potratz.

² Oxfam, “Our Work,” accessed 27 July 2014, <http://policy-practice.oxfam.org.uk/our-work>.

³ Oxfam, “Armed Robbery: How the Poorly Regulated Arms Trade is Paralysing Development,” 13 June 2012, available at <http://oxf.am/JxB>; and “Shooting Down the MDGs,” 8 October 2008, available at <http://oxf.am/ZrF>.

⁴ Amnesty International, “Arms Control and Human Rights,” 2014, available at <http://www.amnesty.org/en/campaigns/control-arms>.

⁵ Sofia Borges, Remarks at the *Thematic Debate of the General Assembly on “Ensuring Stable and Peaceful Societies,”* 25 April 2014, available at http://www.un.org/en/ga/president/68/pdf/statements/04252014Stable%20and%20Peaceful%20Societies_Closing_final.pdf.

⁶ Anna Macdonald, “Statement to First Committee on the Arms Trade Treaty and on Small Arms and Light Weapons,” 29 October 2013, available at http://www.un.org/disarmament/special/meetings/firstcommittee/68/pdfs/NGO-29-Oct_CAC_IANSA.pdf.

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Many states share the conclusion that the ATT will have a positive result on individuals' lives. According to Ambassador E. Courtenay Rattray of Jamaica,

[o]ur sense of urgency is borne of a firm conviction that this Treaty can contribute significantly to the suffering of many Jamaicans and countless people around the world, especially women and children, who are living daily under the deadly and devastating impact of the illicit trade in arms and ammunition... As is widely known, per capita murder rates in the Caribbean are among the highest in the world... While we do not manufacture these weapons or import them in any significant quantities, our region has been disproportionately affected for far too long by the disastrous impact and tragic consequences of the illicit trade.⁷

Almost eight years after the GA first called for the development of an Arms Trade Treaty (ATT), it remains unclear what kind of impact, if any, it will have once it enters force. The arms trade remains a \$70 billion industry that has thus far been poorly regulated at the international level.⁸ What can the General Assembly first-committee do to enhance the provisions of the ATT and ensure that arms are not used against people or limit development?

History and Current Events

In recent centuries, efforts to control the arms trade (as opposed to arms control measures that limit the production, stockpiling, deployment, or use of weapons) originated with the Brussels Act of 1890. While a number of states ratified the document,⁹ however, it did not contain provisions for global arms control (or arms trade control). The Act merely regulated exports to some African territories under colonial occupation.¹⁰ Others efforts at controlling the arms trade were developed during the interwar period, but did not have enough support to enter into force. The most prominent example was a draft for arms regulation put forward by the US to the League of Nations (the predecessor to the UN). This was the first proposed international, as opposed to regional, measure for regulating arms trades. The outbreak of WWII, however, precluded the possibility that states would accept the convention.¹¹

In the Cold War era, the two superpowers, the US and the Soviet Union, guided arms controls measures. As a result, most arms control treaties during this era sought to abate the potential negative ramifications of a nuclear arms race between the states by limiting the testing and deployment of nuclear weapons and ballistic missiles, though states did agree to limit chemical and biological weapons.¹² Little progress occurred in limiting conventional weapons, and there were no efforts to limit the trade and transfer of arms globally. During this time, states only adopted instruments to regulate trade between members within each of the superpowers' blocs (e.g. the Coordinating Committee for Multilateral Export Controls, or COCOM).¹³

By contrast, after the Soviet Union collapsed, the international community created a number of controls on the conventional weapons trade. For instance, many states negotiated and joined the Convention on the Prohibition

⁷ E Courtenay Rattray, Statement on *The Occasion of the Opening for Signature of the Arms Trade Treaty*, 3 June 2013, available at <http://www.un.int/jamaica/sites/www.un.int/files/Jamaica/ATT.pdf>.

⁸ Neil MacFarquhar and Rick Gladstone, "U.N. Close to Curbing Arms Trade with Treaty," *New York Times*, 27 March 2013, available at <http://www.nytimes.com/2013/03/28/world/un-close-to-curbing-arms-trade-with-treaty.html>.

⁹ Mark Bromley, Neil Cooper, and Paul Holtom, "The UN Arms Trade Treaty: Arms Export Controls, the Human Security Agenda and the Lessons of History," *International Affairs*, 88:5 (17 September 2012), pp. 1031-1033.

¹⁰ "The Slave-Trade Treaty," *New York Times*, 12 January 1892, available at <http://query.nytimes.com/mem/archive-free/pdf?res=9405EEDA1631E033A25751C1A9679C94639ED7CF>.

¹¹ Bromley, Cooper, and Holtom, "The UN Arms Trade Treaty," pp. 1031-1033.

¹² Encyclopedia Britannica, "Arms Control."

¹³ Bromley, Cooper, and Holtom, "The UN Arms Trade Treaty," pp. 1033-1034.

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of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction, which banned the use and trade of land mines, and sought to eliminate remnant mines from past wars.¹⁴ Efforts on the trade and transfer of weapons during this era extended beyond the traditional focus on national security (e.g. maintaining “peace and security” and reducing international tensions) to “human security,” which recognized that arms could affect, or cost, people their lives, rights, and liberties. Still, most of the UN strategies for dealing with the issue were limited in scope (e.g. the Program of Action on small arms and light weapons (SALW) – which merely covers the illicit transfer of SALW), were merely guidelines instead of binding agreements, or were developed solely at the national or regional levels (e.g. the EU requires its members to report to each other on conventional arms exports).¹⁵

Despite the progress on regulating the arms trade in recent decades, the international community has yet to fully implement a universal agreement to solve poorly regulated arms transfers. This continues to have devastating consequences for people worldwide. According to the UNODA,

[t]he human cost of the consequences of the poorly regulated global trade in conventional arms are manifested in several ways: in the killing, wounding and rape of civilians—including children, the most vulnerable of all—and the perpetration of other serious violations of international humanitarian law and human rights law; in the displacement of people within and across borders; and in the endurance of extreme insecurity and economic hardships by those affected by armed violence and conflict.

As UNODA notes, armed violence, fueled by the poorly regulated arms trade, has led to the displacement of millions of individuals. At the end of 2011, there were 42.5 million displaced individuals, mostly due to armed conflict.¹⁶ According to UN Secretary-General Ban Ki-Moon, armed violence kills approximately 500,000 people per year, of which 66,000 are women and children.¹⁷

The negative consequences of the poorly regulated arms trade extend beyond human, national, and regional security; it also impacts states’ economies. Between 1990 and 2006, UNODA estimates that armed conflict cost African states \$284 billion. In 2012, the Economic Community of West African States posited further that African conflicts cost the continent about \$18 billion per year.¹⁸

Armed conflict also prevents international organizations from preventing harm to civilians a performing aid functions. For instance, refugee camps sponsored by the UN and other organizations have come under attack from groups such as the Lord’s Resistance Army, causing the relocation of thousands of civilian refugees and “serious disruption to the distribution of humanitarian assistance.”¹⁹ In the civil war in Syria, in which both the government and rebels have received arms from external parties, both sides have engaged in human rights violations and the killing of civilians, particularly the bombardment of civilian populations and disrupted humanitarian aid.²⁰

¹⁴ Encyclopedia Britannica, “Arms Control.”

¹⁵ Bromley, Cooper, and Holtom, “The UN Arms Trade Treaty,” pp. 1034-1038.

¹⁶ UN Coordinating Action on Small Arms, “The Impact of Poorly Regulated Arms Transfers on the Work of the United Nations,” UNODA Occasion Papers 23 (March 2013), pp. 2, 12; [available online]; <http://www.un.org/disarmament/HomePage/ODAPublications/OccasionalPapers/PDF/OP23.pdf>.

¹⁷ “Arms Trade Treaty (ATT),” *Africa Research Bulletin*, 50:3 (April 2013), p. 19647A-B

¹⁸ UN Coordinating Action on Small Arms, “The Impact of Poorly Regulated Arms Transfers,” pp. 15-16.

¹⁹ UN Coordinating Action on Small Arms, “The Impact of Poorly Regulated Arms Transfers,” pp. 13-14.

²⁰ “Arms Race in Syria Must be Stopped to Reduce Civilian Suffering, Says Head of UN Panel,” *UN News Centre*, 25 July 2014, available at http://www.un.org/apps/news/story.asp?NewsID=48354#.U9wW_lDXIu.

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Defining the Arms Trade

According to Paul Holtom and Mark Bromley of the Arms Control Association, “there is no globally agreed definition of ‘arms.’ States and international organizations that seek to measure or control the arms trade use lists of items that vary in their complexity and coverage.” These definitions vary, for instance, in whether they incorporate categories such as SALW, dual use goods – those with civilian and military uses, or types of weapons of mass destruction (WMDs), such as chemical, biological, and nuclear weapons.²¹

When used in the context of the United Nations, the arms trade refers to the transfer (by sale or other means) of conventional weapons and SALW. (The term “conventional weapons” comprises seven categories of arms, as defined by the UN Register of Conventional Arms.²² This includes battle tanks, armored combat vehicles, large-caliber artillery systems, attack helicopters, combat aircraft, warships, and missiles and missile launchers.) Thus, it does not refer to the transfer of weapons within categories listed under WMDs.²³ The Arms Trade (and its associated problems) refers to both illicit and legal (though sometimes poorly regulated) exchange of weapons. This is due to the fact that, as UK Ambassador on Arms Control and Disarmament John Duncan notes, “while many have referred to the problem of the illicit or illegal [arms] trade [e.g. Ambassador Rattray’s comments above], much of this activity is not, in fact, illegal because the legal framework does not exist either nationally or internationally.”²⁴

The primary actors in the arms trade are exporting and importing states. States enter into arms deals for various reasons, including economics (profits for the exporter and cost savings for the importer) and security (whether the transfer will increase the recipient’s ability to defend itself without decreasing the seller’s security).²⁵

According to SIPRI, from 2008 to 2012, four of the five permanent Security Council members – the U.S., Russia, France, and China – were among the world’s top-five arms exporters (the other p-5 member, the UK, was the sixth largest). The other country in the top five was Germany. Together the top five states exported 75% of arms in the global arms trade, and the two largest, the US and Russia, exported more than 50% of the global share of arms. From 2005 to 2010, the top five importers of arms of all types were (in descending order): India, China, Pakistan, South Korea, and Singapore. Together, these states accounted for approximately 32% of arms imports.²⁶

Why Does the World Need to Control the Arms Trade?

Given the deleterious problems of the arms trade, why does the international community need an overarching agreement, as opposed to national systems, that regulates the transfer of arms between states? According to Oxfam, “[n]ational arms controls are rife with gaps and loopholes, making it all too easy for weapons to end up in the hands of those who use them to fuel conflict.” Further, even if most states’ policies did not have these gaps, it is hard for exporters to be sure importers are complying with their wishes. For example, during the period of UN military

²¹ Paul Holtom and Mark Bromley, “The International Arms Trade: Difficult to Define, Measure, and Control,” *Arms Control Association*, July/August 2010, available at https://www.armscontrol.org/act/2010_07-08/holtom-bromley.

²² Bromley, Cooper, and Holtom, “The UN Arms Trade Treaty,” pp. 1044.

²³ UNODA, “Main Issues,” available at <http://www.un.org/disarmament/WMD/>, accessed 28 July 2014. UNODA, “Transparency in the Global Arms Trade,” available at <http://www.un.org/disarmament/content/slideshow/transparency/>, accessed 2 August 2014.

²⁴ John Duncan, “The Arms Trade Treaty: A Supporting Government Perspective,” *Proceedings of the Annual Meeting (American Society of International Law)*, 103 (March 25-28, 2009), p. 342; [database online]; available at <http://www.jstor.org/stable/10.5305/procanmeetasil.103.1.0341>.

²⁵ Paul Levine et al. “The Arms Trade” *Economic Policy*, 12:25 (October 1997).

²⁶ Stockholm International Peace Research Institute (SIPRI), “[Chapter 5 SIPRI 2014 Yearbook Summary] International Arms Transfers,” 2014, available at <http://www.sipri.org/yearbook/2013/05>.

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sanctions on Iraq, Singapore bought naval cannons from the UK, and then re-exported them to Iraq.²⁷ This example demonstrates the lack of control exporters have when a sale is complete.

In the last decade, the scope of such problems has greatly expanded because of globalization, increasing the need for international cooperation. Improved transport and communications have expanded the scope and reach of individual and corporate arms traders, who can make deals with non-state actors such as guerilla groups and terrorists without states knowing about their activities.²⁸

Several cases reveal the potential danger of the accelerating arms trade. There are many countries around the world in which legal and illegal sales of arms have created humanitarian problems.²⁹ In 2007, according to the UN, the Darfur region of Sudan was the worst humanitarian catastrophe in the world.³⁰ From 2003, when war broke out between government-backed Arab militia and rebel groups, and 2005, more than 200,000 people were killed. According to physician Tom Arendshorst,

The individual case of the complex, protracted intrastate war in Sudan clearly exemplifies the terrible hazards of the global small arms market. In Sudan, the genocidal campaign of the Sudanese (Muslim) government against native Muslims living in the newly-discovered oil field lands of Darfur has been actively pursued through government-assisted militias, primarily the Janjawid. The Janjawid are able to carry out their program of mass terror, murder and intentional starvation by virtue of their wealth of small arms provisions – Kalashnikov AK47 assault rifles, rocket-propelled grenades, and jeep-mounted machine guns.³¹

Since 2011, more than 150,000 people, including many civilians as noted above, have died in the conflict between the Syrian government and rebel Syrian forces.³² Arms transfers to the Syrian government and rebel forces have played a significant role in the conflict. For instance, the Syrian government has received substantial arms transfers from both Russia and Iran.³³

The downing of Malaysian Airlines flight 17 over eastern Ukraine reveals the dangerous potential of the arms trade, and resultant conflicts, on human security. In July 2013, observers posited that an S-11 missile (also called a “Buk”) struck the plane, causing the deaths of 298 civilians. Around the time of the event, journalists in eastern Ukraine saw a Buk launcher near a city held by Ukrainian rebels. The launcher is a Soviet piece of military equipment, suggesting that Ukrainian rebels most likely received the launcher from Russia. US officials have even stated that the plane was shot down under “conditions the Russians helped create.”³⁴

²⁷ Levine, *et al.*, “The Arms Trade,” p. 347.

²⁸ Ban, Ki-moon, “Small Arms,” Report of the Secretary-General, S/2011/255, 5 April 2011, p. 2, available at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N11/289/72/PDF/N1128972.pdf?OpenElement>.

²⁹ Lisa Schley, “Study: Illegal Small Arms Trade Fueling African Conflicts,” Voice of America, 03 January 2007, available at <http://www.voanews.com/english/news/a-13-2007-01-03-voa27.html>

³⁰ Schlein, “Study: Illegal Small Arms Trade Fueling African Conflicts.”

³¹ Tom Arendshorst, “Small Arms Trade,” *Beyond Intractability*, eds. Guy Burgess and Heidi Burgess, Conflict Research Consortium, University of Colorado, Boulder, April 2005, available from http://www.beyondintractability.org/essay/small_arms/.

³² “Death Toll in Syria’s Civil War Above 150,000: Monitor” *Reuters*, 1 April 2014, available at <http://www.reuters.com/article/2014/04/01/us-syria-crisis-toll-idUSBREA300YX20140401>.

³³ SIPRI, “International Arms Transfers.” See also Anna Macdonald, “Statement to First Committee.” and “Arms Race in Syria Must be Stopped to Reduce Civilian Suffering, Says Head of UN Panel,” *UN News Centre*.

³⁴ “MH17 Malaysia Plane Crash in Ukraine: What We Know,” *BBC News*, 25 July 2014, available at <http://www.bbc.com/news/world-europe-28357880>.

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The Arms Trade Treaty and its Contents

In April 2013, the GA adopted an instrument to regulate transfers of weapons between states and (through “authorized” transfers) sub-state actors. According to the UN Office for Disarmament Affairs, the ATT serves the purpose of

regulating the international trade in conventional arms, from small arms to battle tanks, combat aircraft and warships. The treaty will foster peace and security by thwarting uncontrolled destabilizing arms flows to conflict regions. It will prevent human rights abusers and violators of the law of war from being supplied with arms. And it will help keep warlords, pirates, and gangs from acquiring these deadly tools.

The Treaty aims to accomplish this by requiring state parties to “conduct a risk assessment before authorizing the export of such arms or items” to determine if they would enhance or hinder peace and security in the world, or whether they could be used in cases where an actor might violate international humanitarian law (e.g. war crimes and genocide), the UN Charter Chapter VII (particularly arms embargoes), or human rights law; cause serious violence to women or children; use the arms in a way that violates terrorism conventions or protocols; or employ arms in a way that violates transnational organized crime conventions or protocols. States are required not to “transfer – that is, export, import, transit, transship, or permit brokerage of” arms in eight categories (tanks, armored vehicles, large-caliber artillery systems, combat aircraft, attack helicopters, warships, missiles and launchers, and small arms and light weapons) if it determines that the arms will be used for these purposes.³⁵

Reflecting the UN definition of the Arms Trade, the ATT deals with the transfer of conventional weapons,³⁶ as numerous agreements address the use and trade of WMDs (e.g., inter alia, the Chemical Weapons Convention, Biological Weapons Convention, Nuclear Test Ban Treaty, and Nuclear Non-Proliferation Treaty).³⁷

According to the UN, once the treaty enters into force it will significantly improve the negative consequences of poorly regulated arms in a number of ways. This includes protecting the lives of civilians, facilitating UN peacekeeping and peacebuilding, ensuring the availability of humanitarian assistance and a safe working environment for humanitarian workers, and promoting the Millennium Development Goals.³⁸

Remaining Problems in the Trade of Arms and the ATT

As of July 2014, despite having 118 signatures, only 41 states have ratified the ATT. The treaty will enter into force 90 days after 50 states have ratified the treaty.³⁹ Ergo, while the UN and many states expect the treaty to have positive ramifications, these will not occur until 50 states have ratified the Treaty.⁴⁰ According to some, the Treaty will also be limited if states have not accepted it and abided by its provisions on a global scale.⁴¹

Some critics claim that the treaty will still be insufficient, however, even once it enters into force. As the Small Arms Survey 2014 notes, the ATT has problems such as excessive generality and obscurity, particularly its unclear definitions of arms categories and terms such as “transfer” and “trade.” Without enforcement, and with “few legal obligations” under some items (often relying on “national discretion”), the Treaty may not contribute to a well-

³⁵ Small Arms Survey, “Arms Trade Treaty,” chapter 3 in *Small Arms Survey 2014* (New York: University of Cambridge Press, 2014), pp. 80-81, 83-85; [book available online]; <http://www.smallarmssurvey.org/publications/by-type/yearbook/small-arms-survey-2014.html>.

³⁶ UNODA, “The Arms Trade Treaty,” available at <http://www.un.org/disarmament/ATT/>, accessed 26 July 2014.

³⁷ Bromley, Cooper, and Holtom, “The UN Arms Trade Treaty,” pp. 1043-44.

³⁸ UNODA, “The Arms Trade,” available at <http://www.un.org/disarmament/convarms/ArmsTrade/>, accessed 25 July 2014.

³⁹ UNODA, “The Arms Trade Treaty,” available at <http://www.un.org/disarmament/ATT/>, accessed 25 July 2014.

⁴⁰ Oxfam, Control Arms: Join in the Call for Ratification of the UN Arms Trade Treaty.”

⁴¹ For some discussion on this, see Anna Macdonald, “Statement to First Committee.”

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regulated arms trade, as it was intended.⁴² This discretion permits flexibility of state implementation of the agreement, limiting the ATT's effectiveness. For instance, the "national control lists" required in the document allow states to stipulate which specific arms within the eight categories they would prefer the Treaty to cover.⁴³

In the years leading up to the Treaty's adoption, negotiations frequently stagnated due to disagreements between UN Member States. In 2010, for instance, despite progress based on agreement that the ATT should cover arms such as tanks and missiles, some states refused to accept the treaty if it covered SALW. In addition, the US refused to support the treaty if it covered ammunition, while other developed states rejected any final draft of the treaty that included arms components and parts.⁴⁴

The consequence of these problems is that while the ATT does include provisions that regulate and disallow the trade of certain types of ammunition and arms "parts and components," the regulation of these two groups remains limited in the ATT (as a result of the need to appease, among others, the US and Russia). The ATT does not require states to regulate the "import, transit, transshipment, or brokering of" ammunition and weapons components. Nor does the Treaty require states to keep records of or report on the import, transfer, and export of these two categories. Exacerbating these problems, even when it does discuss ammunition and parts and components, the ATT lacks any definition for either category.⁴⁵

The exclusion of these categories has the potential to undermine the benefits of the Treaty. For instance, even if states using arms in violation of human rights, IHL, or other relevant treaties cannot obtain assembled weapons from exporters in compliance with the ATT, they could still obtain parts to assemble and repair their weapons, and ammunition for existing weapons supplies. In fact, the SALW trade reveals the potential problems of excluding these categories. While the value of global trade in SALW weapons doubled between 2001-2011 (from \$2.38 billion to \$4.63 billion – an increase of \$2.25 billion) ammunition sales more than tripled during this time (from approximately \$440 million to \$1.4 billion – an increase of about \$960 million).⁴⁶

Previous Committee Work on this Topic

Efforts to track the arms trade date back to 1924, when the UN's predecessor, the League of Nations established a yearbook to detail the transfer of weapons between states. When the UN replaced the League of Nations, however, it made no new efforts to track the arms trade until after the Cold War had ended. According to UNODA "the flaring up of conflict in the late 1980s reignited widespread concern about the excessive build-ups of weaponry," causing the UN to pass Resolution 46/36 L in 1991, which established a UN Register of Conventional Arms. The resolution called upon states to report their arms transfers in the seven categories of conventional weapons listed under the register, as well as "background information" regarding their conventional military capabilities and domestic arms sales. Despite this effort, ensuring that states report their exports has constituted a challenge for the initiative. Although 170 different states have reported to the Register at some point in its history,⁴⁷ in 2012 the number of states reporting to the register has decreased to 52, down from 86 in 2011.⁴⁸

⁴² Small Arms Survey "Arms Trade Treaty," pp. 83, 100.

⁴³ Jeff Abramson, "Progress Made at Arms Trade Treaty Meeting," *Arms Control Today*, 40:7 (September 2010); [database online].

⁴⁴ Abramson, "Progress Made at Arms Trade Treaty Meeting." See also Small Arms Survey "Arms Trade Treaty," p. 79.

⁴⁵ Small Arms Survey "Arms Trade Treaty," p. 82.

⁴⁶ Small Arms Survey "Trade Update: Transfer, Retransfers, and the ATT," Chapter 3 Summary in *Small Arms Survey 2014*, p. 12.

⁴⁷ UNODA, "Transparency in the Global Arms Trade."

⁴⁸ SIPRI, "International Arms Transfers."

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The ATT features both record-keeping and reporting requirements that obligate state parties to report arms transfers to the UN. Article 12 of the ATT states that parties must keep records of their exports, imports, the transit of arms, or the authorization of arms exports, including information on the arms' "quantity, value, model/type, ...details of exporting state(s), importing state(s), transit and transshipment state(s), and end users, 'as appropriate.'" States must also send an annual report of these activities, although they do not have to submit "commercially sensitive or national security information."⁴⁹ This offers the potential for states to improve reporting on the arms trade in the future and to assure states' compliance with the ATT, because reporting is required in the ATT, as opposed to the voluntary reporting of the Register. The challenge is that binding obligations do not always ensure that states have met reporting requirements or other Treaty obligations. For instance, less than half of the parties to the Biological and Toxin Weapons Convention submit the annual reports required by the convention.⁵⁰

In 2001, at the request of the UN General Assembly, the UN held a Conference on the Illicit Traffic in Small Arms and Light Weapons. At the conference, participating states adopted a Programme of Action (PoA) to Prevent, Combat, and Eradicate the Illicit Trade in Small Arms and Light Weapons, in All Its Aspects.⁵¹ By endorsing the PoA, states agreed to begin work on a treaty that would limit the illicit (illegal) trade in SALW. In addition, states urged one another report on their work in implementing the PoA.⁵² Between 2002 and 2010, 152 of the UN's 192 member states submitted at least one report.⁵³

In July 2006, UN member states participated in the United Nations Conference to Review Progress Made in the Implementation of the PoA. The conference ended without agreement on next steps. According to Belgian researcher Holger Anders, this was because the original PoA had not defined "illicit transfers," and five years later states were still disagreeing about what that should mean.

One of the reasons for a lack of progress on a SALW treaty was that supporters of SALW regulations decided it would be more effective to add SALW provisions to the more general Arms Trade Treaty. Momentum for the Treaty had been growing since 2003, when three non-governmental organizations -- Amnesty International, the International Action Network on Small Arms (IANSA), and Oxfam -- began the Control Arms Campaign. In 2006, Control Arms presented UN Secretary-General Ban Ki-moon with a petition signed by more than 1 million people worldwide who supported the development and passage of an ATT.⁵⁴

In October 2006, the GA voted to develop the ATT. In Resolution A/RES/61/89, GA members acknowledged "the right of all States to manufacture, import, export, transfer and retain conventional arms for self-defense and security needs, and in order to participate in peace support operations." In addition, the resolution

⁴⁹ Small Arms Survey "Arms Trade Treaty," pp. 94-95.

⁵⁰ Phillip M. McCauley and Rodger A. Payne, "The Illogic of the Biological Weapons Taboo," *Strategic Studies Quarterly*, Spring 2010, p. 16, <http://www.au.af.mil/au/ssq/2010/spring/mccauleypayne.pdf>.

⁵¹ United Nations, "Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects," Document A/CONF.192/15, 20 July 2001, available at <http://www.poa-iss.org/PoA/pohtml.aspx>

⁵² For individual country reports, see United Nations, "Programme of Action Implementation Support System," <http://www.poa-iss.org/PoA/PoA.aspx>

⁵³ Sarah Parker, "National Implementation of the United Nations Small Arms Programme of Action and the International Tracing Instrument: An Analysis of Reporting in 2009-10, Interim Version," *Small Arms Survey*, June 2010, p. 18, available at <http://www.poa-iss.org/MGE/Documents/Index/SAS-AnalysisofReporting.pdf>

⁵⁴ Control Arms, "About Control Arms," <http://www.controlarms.org/about.php>

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reminded UN members of their “obligations to fully comply with arms embargoes decided by the Security Council in accordance with the Charter,” and to respect international human rights law.⁵⁵

In October 2009, the GA-1 passed a draft resolution calling for a series of preparatory conferences in 2010 and 2011 to draft the ATT and for a high-level diplomatic meeting in July 2012 to negotiate the final details and open it for signature. time, the US, now led by the Obama administration, voted for the resolution.⁵⁶ As noted, throughout the process, observers often criticized states such as the US and Russia for seeking to limit the extent of the Treaty (e.g. ammunition). Observers also criticized the states for delaying the negotiations. For instance, at the 2012 meetings, both states frequently argued that the ATT was “not ready for adoption.”⁵⁷

Having made concessions to appease the red lines set primarily by the US,⁵⁸ in April 2013, the GA adopted the ATT by a vote of 154 to 3, with 23 states abstaining. States against the ATT included Iran, North Korea, and Syria, who feared that the passage of the Treaty would undermine their support from others. Russia and China also held reservations about the ATT, contending that their arms imports might be disrupted as a result of “claims” of human rights violations made by Western states. UN Secretary-General Ban Ki-moon stated that the adoption of the ATT was a “victory for the world’s people.”⁵⁹

In December 2013, the GA passed Resolution 68/31, entitled “The Arms Trade Treaty.” The Resolution welcomed the adoption of the treaty, and called for states to “ratify, accede, or approve” of the treaty so that it could enter into force. The resolution also requested that “States in a position to do so to provide assistance” in the forms of legal, institutional (capacity-building), technical, material, and financial assistance.⁶⁰

Conclusion

Many have heralded the adoption of the Arms Trade Treaty as a watershed moment in the protection of national and human security against poorly regulated conventional weapons transfers. As Amnesty International notes, however, not only will it require “50 ratifications [to] bring the Treaty into force, but we must keep pushing to get as many states as possible to implement the Treaty. Only then will the Treaty have the potential to save lives and livelihoods.”⁶¹ What can and should the GA do to further address the growing arms trade market and the dangers it creates, encourage states to adopt the ATT, and ameliorate any potential gaps in the Treaty?

As you research your country’s position on this issue, consider the following questions:

⁵⁵ UN General Assembly Resolution 61/89 (A/RES/61/89), available at <http://www.un.org/Docs/journal/asp/ws.asp?m=A/RES/61/89>.

⁵⁶ UN General Assembly First Committee, Press Release GA/DIS/3396, 21 October 2009, available at <http://www.un.org/News/Press/docs/2009/gadis3396.doc.htm>

⁵⁷ Alexander Kent, “The ATT Talks: Two Steps Forward, One Step Back,” *Arms Control Today*, 42:7 (September 2012); [database online].

⁵⁸ See US Department of State, “Arms Trade Treaty,” 25 September 2013, available at <http://www.state.gov/t/isn/armstradetreaty/> for more information on the US “red lines.”

⁵⁹ Jeff Abramson, “UN General Assembly Adopts Arms Trade Treaty in Overwhelming Vote,” *Arms Control Today*, 43:4 (May 2013); [database online]. See also, Macfarquhar and Gladstone, “U.N. Close to Curbing Arms Trade with Treaty.”

⁶⁰ UN General Assembly Resolution 68/31 (A/RES/68/31), available at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/31.

⁶¹ Amnesty International, “Arms Control and Human Rights.”

Montana Model UN High School Conference

- Is your country primarily an importer or exporter of arms? To whom does it export, and/or from whom does it import?
- Is your country currently involved in military conflicts? If so, with whom? What are the issues at stake, how is the conflict being conducted, and what effect is the conflict having on the security of the people and states? If your country is not currently involved in a war, what potential military threats does it face? What is the role of the arms trade in these conflicts?
- Has your country signed and ratified the ATT? If not, why not? Do you expect your country to fulfill its record-keeping and reporting obligations? Does it do so on other arms treaties? Does your country regularly report on its compliance with the current UN register?
- Is your country a party to and/or in compliance with other arms control treaties, such as the Nuclear Non-Proliferation Treaty and the Landmine Treaty?
- How can the provisions of the ATT be improved? For Example, should there be separate protocols for categories such as ammunition and arms parts and components?
- How should the treaty be enforced to ensure state compliance once it enters into force?

Recommended Reading

Amnesty International. "Arms Control and Human Rights." Available at <http://www.amnesty.org/en/campaigns/control-arms>, accessed 25 July 2014.

Amnesty International is a human rights organization that campaigns to disseminate rights information and bring attention to rights abuses on a global scale. This page features a collection of articles written from the organization focusing on rights abuses related to the arms trade.

Office for Disarmament Affairs. "Transparency in Arms: Reporting to the UN Register of Conventional Weapons Fact Sheet." 2011. Available at <http://www.un.org/disarmament/convarms/Register/DOCS/20110201-RegisterFactsheet.pdf>.

This factsheet details the work of the UN Register of Conventional Weapons. It also features data on state reporting, such as overall reporting trends and whether specific states have sent reports in recent years.

Stockholm International Peace Research Institute (SIPRI). "[Chapter 5 SIPRI 2014 Yearbook Summary] International Arms Transfers." 2014. Available at <http://www.sipri.org/yearbook/2013/05>.

This page from SIPRI summarizes the fifth chapter of its 2014 Yearbook. It includes information on trends in arms transfer globally, regional imports of arms, and top arms importers and exporters.

Small Arms Survey. "Arms Trade Treaty." Chapter 3 in *Small Arms Survey 2014* (New York: University of Cambridge Press, 2014). Available at <http://www.smallarmssurvey.org/fileadmin/docs/A-Yearbook/2014/en/Small-Arms-Survey-2014-Chapter-3-EN.pdf>.

This chapter from the Small Arms Survey 2014 provides an overview the negotiation of, content, and potential problems with the ATT. Use this reading to help enhance your understanding of the Treaty and think about potential means of improving the Treaty that you might incorporate into resolutions.

United Nations Coordinating Action on Small Arms. "The Impact of Poorly Regulated Arms Transfers on the Work of the United Nations." *UNODA Occasional Papers*, 23 (March 2013). Available at <http://www.un.org/disarmament/HomePage/ODAPublications/OccasionalPapers/PDF/OP23.pdf>.

This article from UNODA discusses some key issues of poor regulation of the arms trade, such as its influence on weapons misuse and conflicts. Most of the article focuses on how the arms trade impacts the work of the UN from disrupting peacekeeping operations to hindering development.

UNODA. "The Arms Trade Treaty." Available at <http://www.un.org/disarmament/ATT/>, accessed 26 July 2014.

This page from UNODA includes links to the Arms Trade Treaty, with which you should become familiar; links to records from the meetings leading up to the Treaty; links to documents from the UN Secretariat about the Treaty; and updates on the number of signatures and ratifications on the Treaty.