



GETTING IT RIGHT

The pieces that matter for the Arms Trade Treaty

Arms and bullets continue to destroy lives. Every continent in the world is marred by devastation caused by armed violence. Yet there is still no effective international regulation of the global arms trade. The need for an Arms Trade Treaty (ATT), which will create globally binding regulation of the international trade in conventional weapons for the first time, is greater than ever. Negotiators at the second and final Diplomatic Conference in March 2013 must deliver a treaty text that holds countries to the highest standards.

SUMMARY

Arms and bullets continue to destroy lives. Every continent in the world is marred by devastation caused by armed violence – and it is ordinary people who are paying the ultimate price with more than one person dying per minute as a direct result of armed violence. Yet there is still no effective international regulation of the global arms trade.

Take for instance the ongoing violence in Syria. The UN has said that nearly 70,000 people have been killed and hundreds of thousands wounded since uprisings began in 2011. Much of this has been fuelled by arms transfers to both the Syrian Government and opposition forces.

The poorly controlled flow of weapons and ammunition around the world fuels the spiralling death toll. Gunrunners continue to operate with impunity on the shady fringes of this deadly trade. And, lax or non-existent reporting obligations make it almost impossible to tell in whose hands a gun, shell, bullet, or even fighter plane, will ultimately end up, or how it got there.

The need for an Arms Trade Treaty (ATT), which will create globally binding regulation of the international trade in conventional weapons for the first time, is greater than ever.

It has been eight months since the July 2012 Diplomatic Conference failed to reach agreement on an ATT. This month (March 2013), states will get a second chance. Time spent in July 2012 was not wasted; it did generate a draft treaty text, and then in October 2012, the UN General Assembly passed a resolution mandating a further negotiating conference. The resolution received unprecedented support: 157 votes in favour, 18 abstentions, and no votes against, demonstrating clearly that the vast majority of member states want an ATT and providing them with a second chance to achieve that goal.

History shows that the most effective treaties are born from strong, comprehensive standards, established from the very outset. Treaties with weak provisions – no matter how broad their support – rarely become strong over time. Even where important countries do not sign, strong treaties have a positive influence on the actions of non-signatories. But some countries are prioritizing universal agreement on the text, and are willing to accept a draft treaty riddled with loopholes. If the ATT is really to make a difference in transforming the global arms trade, the second and final Diplomatic Conference must produce a treaty text that holds countries to the highest standards.

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THE TEXT ITSELF

The draft treaty that emerged from the July 2012 negotiations included some very positive elements. However, many of these could be undermined by a number of loopholes that considerably weaken the potential effectiveness of the ATT. In its current form, the treaty does not do enough to increase responsibility and restraint in international arms transfers, leaving millions of people at the mercy of irresponsible arms deals.

The scope of the treaty must include all types of conventional weapons, including ammunition, and parts and components. It must regulate all types of arms transfers, including exports, gifts, and loans.

There are inherent dangers with narrowly defining the scope of the treaty. As we have said before, a gun without bullets is a heavy metal stick. Therefore, it is essential ammunition is comprehensively covered.

If all types of transfer are not included, there is a real risk that a variety of ways in which arms move across borders or change possession will be excluded from the ATT. This includes loans, leases, gifts, and military aid.

These weaknesses in the scope will prevent the treaty from having a meaningful impact on the lives and livelihoods of countless communities across the world.

The text of the ATT must introduce clear and strong rules governing the movement of arms and ammunition, with a clear obligation for states to refuse transfers where there is a substantial risk that those arms would be misused. The list of risks needs to be comprehensive, reflecting the humanitarian and human rights concerns that have driven the ATT initiative from the outset.

COMPLIANCE

To have teeth, the treaty must have strong compliance measures. It is vital that this part of the treaty is as watertight as possible, with realistic and achievable requirements. A worthwhile treaty will build on existing best practice, rather than undermining it. The loophole whereby arms transferred as part of a defence cooperation agreement would be exempt from the ATT, for example, threatens to undermine its entire object and purpose.

With numerous caveats and exemptions within the reporting obligations, the treaty as it stands would not lift the shroud of secrecy surrounding the global arms trade; while weak provisions for regulating the activities of arms brokers mean that the current Treaty text would do little to reign in the unscrupulous middle-men who are so often at the centre of illicit and irresponsible international arms transfers.

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While this represents a significant list of challenges, the March 2013 Diplomatic Conference does provide governments with the opportunity to achieve a robust and comprehensive ATT – one which will curb the irresponsible trade in arms, save lives, and reduce the suffering of millions affected by the ravages of war and armed violence. States must ensure that the treaty text establishes high common international standards, while resisting pressures to water down provisions for the sake of universal support for the text.

RECOMMENDATIONS

- The Scope of the treaty must be fully comprehensive. It must control all types of conventional weapons, ammunition and munitions, and parts and components. It must also cover all the ways in which international arms transfers take place.
- The Criteria of the treaty must be robust, and ensure that arms must not be transferred if there is a substantial risk that they would be used to commit serious violations of International Human Rights Law or International Humanitarian Law, exacerbate armed violence and conflict – including gender-based armed violence – encourage corruption, or undermine development.
- The Implementation provisions must ensure that public reporting on all transfers is an obligation on member states, and that activities such as brokering are carefully and comprehensively covered.
- The Final Provisions must ensure rapid entry-into-force of the treaty, and define amendment provisions that allow the States Parties to revisit the treaty over time.

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This paper is part of a series of papers written to inform public debate on development and humanitarian policy issues.

For further information on the issues raised in this paper please e-mail advocacy@oxfaminternational.org or general@saferworld.org.uk

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