

## BRIEFING

# PARLIAMENTARIAN'S GUIDE TO THE ARMS TRADE TREATY

The irresponsible and poorly regulated trade in arms fuels **conflict, poverty and human rights abuses**. States have a right to self-defence, but these rights come with responsibilities. The Arms Trade Treaty (ATT) would establish **a legally-binding global agreement** to control the international transfer of conventional weapons.

To save lives and livelihoods the ATT will need to be comprehensive in scope, have robust implementation and verification measures and forbid any transfer where there is evidence that the arms will be used in or to facilitate serious violations of international law.

The next year is critical to getting a robust treaty, as negotiations at the UN conclude in 2012.

A small number of sceptical states who are nervous at the prospect of an ATT will seek to weaken or delay the treaty.

**It is essential that supportive states such as the UK do everything they can to ensure a strong and effective ATT, and that UK parliamentarians urge the Government to prioritise the ATT in the year ahead.**

## WHY IS AN ATT NECESSARY?

The arms trade itself is global, and so controlling it requires a global approach. While many individual states have laws and some regions have agreements in place to regulate the international transfer of arms, many of these are not legally binding, are poorly enforced, or lack rigorous criteria. There is also a significant number of states that are not party to any multilateral agreement to control the transfer of arms, and which lack well-developed national laws in this area.

At best there exists a patchwork of arms controls, and these inconsistencies between national and regional arms control regimes around the world create gaps which are easily exploited by unscrupulous arms traders. As a result, weapons frequently fall into the wrong hands, where they are used to facilitate conflict and abuse human rights.

The humanitarian and human rights imperative is overwhelming. One person dies every minute from armed violence, and millions more are injured, displaced and see their lives and livelihoods torn apart. Irresponsible arms transfers fuel poverty, destabilise regions and prolong conflict. Armed violence costs Africa US\$19 billion a year – that's approximately equal to the amount the continent receives in aid. There are treaties that regulate the sale of bananas and dinosaur bones, but not yet the global arms trade.

**More than one person dies every minute as a result of armed violence**

Based on data from Geneva Declaration on Armed Violence and Development, *Global Burden of Armed Violence*, 2008



© James N'dungu

## ARMS TRADE TREATY:

**1995**

Nobel Peace Laureates propose idea of globally binding rules on arms transfers

**1998  
-2001**

A proposal for a treaty to control the arms trade begins to take shape, following work by NGOs and lawyers

**2003**

International Control Arms campaign launched in 70 countries

### WHY SHOULD THE UK SUPPORT A STRONG ATT?

Supporting a strong ATT will help the UK to achieve a number of its own foreign policy goals, such as preventing conflict overseas, supporting sustainable development and promoting human rights.

A better regulated international arms trade will enhance the UK's national security, by helping to prevent weapons falling into the hands of groups who would use them against the UK or UK nationals abroad.

### WHO SUPPORTS THE ATT PROCESS?

The vast majority of governments support the idea of an ATT. In October 2009, 153 states voted in favour of moving to formal negotiations to establish a 'strong and robust' treaty with the 'highest common standards' to control international transfers of conventional arms. Nineteen states abstained from the vote, although they are all expected to participate in the process. The only state which voted against was Zimbabwe.

While many of the world's major arms exporting states support the ATT process, there are some disagreements as to what the treaty should look like. It is therefore vital that states such as the UK which support a strong ATT do all they can to ensure a robust and effective ATT.

The ATT has cross-party support in the UK; all three major parties have made public statements of support for the process. The ATT also has the support of the UK defence industry, who wish to see a harmonised global system of controls and a level international playing field where the same rules apply to all.

### WHAT WOULD A STRONG ATT LOOK LIKE?

The ATT should bring together states' **existing obligations and commitments** under international law and other widely accepted norms of state behaviour and apply them to the trade in conventional weapons.

### COMPREHENSIVE SCOPE

The ATT must cover **all types of conventional weapons and equipment** – not just weapons platforms and systems but also ammunition and components, production technologies, internal security equipment and dual-use items intended for military, security or police use. It should also cover the broadest possible range of transactions – not only imports and exports, but also re-export, transit, transshipment, temporary transfers and brokering activities; and items gifted, lent or leased, as well as sold.

### STRONG PARAMETERS

The rules against which transfers are assessed should state that a transfer of weapons or munitions will be stopped if there is evidence that they are likely to be used in **serious violation of international law**, e.g. human rights or humanitarian law, or if there is evidence that they would undermine sustainable development or fuel conflict.

### EFFECTIVE IMPLEMENTATION

The treaty must include robust mechanisms for implementation, including a **transparent reporting mechanism** and **effective monitoring and verification procedures**, as well as provisions for settling disputes among states over suspected violations of the treaty. To function effectively, the ATT must also provide for appropriate institutional support and periodic review. Some states do not have experience in enforcing a high standard of arms transfer control and will require help in the form of resources and technical assistance, which must be provided for in the treaty.

# THE STORY SO FAR

## 2003 -2006

International campaigning gains support for the treaty from governments and citizens worldwide

## 2005

The UK publicly supports the idea of an ATT

## 2006

Resolution 'Towards an Arms Trade Treaty' tabled at UN General Assembly

## 2007

100 states submit their views to UN Secretary General's Consultation on ATT. Majority re-affirm respect for UN Charter, international human rights and humanitarian law

## 2008

UN Group of Governmental Experts examine 'feasibility, scope and parameters' of an ATT

**October:** States vote to progress ATT to the next stage at the UN



© Claudio Gramizzi



© UN Photo/Martine Perret

### HOW WILL IT BE ENFORCED?

The ATT will create an international framework of legal obligation, however it will be implemented at the national level. Under an ATT, arms transfer decisions will still be made by national governments. However, governments will have an obligation to deny any proposed transfer that risks breaking the ATT criteria. A robust ATT would help introduce new levels of transparency and accountability into the international arms trade, for example through public reporting mechanisms. Considerable expertise already exists in relation to enforcement mechanisms under other multilateral regimes and treaties such as the Mine Ban Treaty and the Convention on Cluster Munitions; states should draw upon this as the ATT is developed.

### WHAT IS THE UK GOVERNMENT DOING TO SUPPORT IT?

The UK has championed the ATT on the world stage for a number of years, and it was the UK, along with six other 'co author' governments that introduced the initial Resolution to the UN in December 2006 which kick-started the ATT process. As the formal negotiations develop it is more important now than ever that the UK continues to push proactively for a strong treaty.

There has been a growing perception among other states that the UK Government has reassessed its role in the process, and decided to step back. Indeed a number of official statements have recently referred to UK support for rather than leadership of the process.

This is affecting other supporter states, which look to the UK for leadership, and consider the UK's positioning on ATT issues as a barometer for global consensus. Any indication that the UK is reducing its support for the process could encourage the treaty's opponents in their efforts to block progress.

It is vital that the UK's work on the ATT is adequately resourced and that the delegation to the ATT negotiations includes high level, cross-Whitehall representation.

# THE STORY SO FAR continued

## 2009

**July:** Open-ended Working Group (all states) meets several times in New York. All states agree that the poorly regulated trade in arms must be addressed

**October:** States vote with overwhelming majority (153 to 1) to move the ATT to formal negotiations

## 2010

**July:** First and second Preparatory Committees (PrepComs) take place in New York

## 2011

**March and July:** Final two PrepComs take place in New York. Will a strong draft text be produced?

## 2012

UK must place highest priority in ensuring negotiations are successful and the strongest possible treaty is secured

### WHAT SHOULD THE UK GOVERNMENT BE DOING?

The Government must bring together the expertise it holds across **DFID, FCO, MOD, BIS and HMRC** and use these valuable resources in the negotiating process.

- **DFID** should bring its expertise on arms, corruption, conflict and sustainable development to the treaty drafting process
- **FCO** should use its diplomatic networks to bring sceptical states on board and maintain a leadership role in ATT negotiations
- **MOD** should work with foreign defence ministries and militaries to build their support for a strong treaty
- **BIS** should use its technical expertise on implementing arms transfer controls, developing legislation, licensing, and reporting to ensure the treaty is practical, manageable and enforceable
- **HMRC** should be engaged on questions of implementation and enforcement, sharing expertise on cargo checking, monitoring physical imports and exports, training customs officials and bringing investigations and prosecutions

In addition, **both NGOs and the defence industry** are keen to work with the Government in pursuit of an effective treaty.

As one of the world's biggest arms exporters, the UK can exert significant influence on the ATT process. In the run up to and at the 2012 negotiations, the UK Government should:

- **continue to demonstrate leadership**, not just support, both at the preparatory stages and the ATT conference itself in 2012, for example by taking a major role in proposing and promoting draft treaty text around comprehensive scope and robust parameters
- **ensure policy co-ordination** and appropriate resource support for negotiations across all relevant departments (FCO, DFID, MOD, BIS and HMRC) to ensure that the final ATT is robust and based on the best international practice

- **maintain sufficient diplomatic expertise and engagement**, for example by retaining the post of Ambassador for Multilateral Arms Control & Disarmament
- **continue to involve representatives from the NGO coalition, and from industry**, in both its cross-Whitehall ATT 'virtual team', and as part of its UN negotiating team
- **encourage other states** – particularly those developing countries which are affected by conflict and armed violence – to join the UK in calling for an effective ATT which meets their needs
- **press for the participation of civil society** to be allowed at the remaining PrepComs and the negotiation conference in 2012.

### WHAT CAN PARLIAMENTARIANS DO TO SUPPORT THE ATT?

- **Contact [parliament@saferworld.org.uk](mailto:parliament@saferworld.org.uk)** to find out how you can get involved with Control Arms activities in Parliament to support the ATT.
- **Write to ministers** in the FCO, DFID, MOD, HMRC and BIS urging them to devote the necessary resources and political capital to securing a treaty which is comprehensive in scope, has robust implementation and verification measures and forbids any transfer where there is evidence that the arms will be used in or to facilitate serious violations of international law.
- **Raise parliamentary questions** to let the Government know that Parliament is following its engagement in the ATT process and will hold it accountable on its progress.
- **Table a debate** in Parliament on the ATT.
- **Sign the EDM** ('Arms Trade Treaty'), which calls on the government to do all it can to build international support for a strong ATT.
- **Attend the negotiations** – Control Arms would be interested to co-ordinate with a delegation of Parliamentarians to the PrepComs and the 2012 treaty conference. Email us at [parliament@saferworld.org.uk](mailto:parliament@saferworld.org.uk) for more information.