



In brief: The Arms Trade Treaty – the moment of truth approaches

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In three months time, the final round of negotiations to agree a legally binding Arms Trade Treaty (ATT) will be under way at the UN in New York. The negotiating process now approaches its moment of truth. Will a credible and effective treaty be agreed? The outcome remains finally balanced.

The forthcoming negotiations are the culmination of a process that began in 1997, when a group of Nobel peace laureates called for international action to regulate the global arms trade. In 2003, a coalition of international NGOs launched a campaign, [Control Arms](#), to win support for the idea of an ATT. The UK was one of eight countries that at the time gave their backing for the campaign. However, it was not until 2004 that the then Labour Government unequivocally threw its diplomatic weight behind the ATT. In 2006 it sponsored a UN General Assembly Resolution calling for the establishment of a group of governmental experts to examine the feasibility, scope and parameters of an ATT. The resolution was overwhelmingly approved, with only the then US Administration of George W. Bush opposed.

In December 2009, the UN General Assembly passed Resolution 64/48, mandating formal negotiation of an ATT by 2012. The Obama Administration had declared earlier in the year that the US now supported an ATT. This left Zimbabwe as the sole 'no' vote. Negotiations have taken place through a series of [Preparatory Committee \(PrepCom\)](#) meetings. Resolution 64/48 called upon the PrepComs to make recommendations to the Diplomatic Conference on the "elements that would be needed to attain an effective and balanced legally binding international instrument on the highest common international standards for the transfer of conventional arms."

The first PrepCom meeting took place from 12-23 July 2010. The second PrepCom, which considered the scope, criteria and parameters of the ATT, and the issues of international cooperation and assistance in the context of the ATT, took place on 28 February-4 March 2011. The third and supposedly final substantive PrepCom followed on 11-15 July 2011. It considered the implementation and final provisions of the ATT. At the end of the third PrepCom, the Chair of the UN negotiations put a [treaty draft](#) on the table. However, this draft does not have the status of an official treaty draft.

There was a fourth and final PrepCom starting between 13 and 17 February 2012 to discuss procedural issues. A [last-minute agreement](#) was reached that all substantive decisions must be made by consensus, but procedural decisions can be made by a two-thirds majority vote, provided that all efforts to reach a consensus have been exhausted.

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All that remains now is the UN Conference in New York on 2-27 July 2012, at which the final text of the ATT should be agreed.

While there has been much progress since 2006, many challenges still lie ahead. Governments are still divided over many aspects of the ATT. For example, there remain disagreements about what weapons should be included in the ATT. Whether to include small arms and light weapons or ammunition have been thorny issues; they are currently in the Chair's treaty draft. There also remain disagreements about how far the treaty should be explicitly based on international humanitarian and human rights law and include a 'golden rule: that no arms sales should be approved where there is a substantial risk that the arms are likely to be used to commit or facilitate serious human rights violations. The Chair's treaty draft currently includes this 'golden rule'. There is consensus that implementation of the treaty will take place at the national level, but no agreement on annual reports being made public. The proposal for a multilateral oversight body has been rejected, although a small implementation support unit of some kind may be agreed. *Control Arms* has praised the Chair's treaty draft for its "[comprehensive nature](#)", while arguing that there is room for improvement. Commenting on the Chair's treaty draft, Amnesty International has expressed concern that there remains a danger that the types of arms falling within the scope of the treaty could exclude much of the [security and police equipment](#) used for internal repression by security forces during the 'Arab Spring'. Those civil society groups that wish to see an end to the arms trade, rather than its better regulation, such as the [Campaign against the Arms Trade](#) – remain sceptical about the ATT.

How strong is governmental support for the ATT as negotiations reach the endgame? Many States that have voted in favour of the ATT are relatively inactive on its behalf in practice. While the Obama Administration switched the US position to one of support in 2009, it has consistently made it clear that it will only accept a treaty agreed by consensus, leading some to worry that it will be satisfied with a weak treaty. There are strong lobbies in the US that are [hostile to the ATT](#), above all the National Rifle Association, which claims that the treaty will restrict legal firearms possession. The number of countries in favour of the ATT is increasing. Amongst the abstainers until mid 2011 were major conventional arms exporters such as China, India, Pakistan and Russia, some of which were feared by analysts in reality to be strongly opposed to the ATT. However, following the third PrepCom in July 2011, the Permanent Five members of the UN Security Council, which include Russia and China, issued a [statement](#) of support for the ATT negotiating process.

The previous Labour Government took the view that a strong treaty was more important than a maximally inclusive but weak one. The Committees on Arms Export Control (CAEC) have raised [concerns](#) about the current Government's commitment to the ATT. The Government has argued that it is [no less committed](#), calling for a "[robust, legally binding treaty](#)". However, some still worry that it might ultimately prioritise treaty inclusiveness over treaty strength. Amnesty International UK has launched a campaign calling on the three main party leaders to publicly commit themselves to supporting a "[bulletproof treaty](#)". While Nick Clegg and Ed Miliband have done so, Amnesty has expressed concern that David Cameron has not. The current Government rejects claims that it has taken [less of a leading role](#) in pushing for a robust ATT since coming into office. Leading British defence industry bodies have come out in favour of the ATT. They say that UK arms export policy already embodies high standards and that the ATT will not impose significant new burdens on British companies; instead, it will help to raise other countries' standards, creating a more level global 'playing field'.

Further reading: ATT negotiations – [Chair's draft treaty text](#) (14 July 2011)