

The arms trade treaty

[Economics](#), [Trade](#)



The Arms Trade Treaty Derek Matthews International Relations Abstract The Arms Trade Treaty is the result of an international consensus that there is a need for global arms regulation. This belief began to develop after the Cold War in response to consequences facing the international community from countries whom purchased arms unimpeded and used them towards aggressive and oppressive ends.

The Arms Trade treaty has been applauded as an initial framework to begin practical implementation of effective arms regulations through the context of international consensus in a way that will reduce egregious human rights violations and increase weapons accountability as well as regional stability. There are criticisms as to the future effectiveness of the treaty because the scope of the treaty covers arms sales, not other forms of arms transfer and because major arms exporters have abstained from participating in the treaty.

These realities are staunch hurdles towards the future effectiveness of governing policies that may evolve from the treaty. Because the treaty has not reached the stage of ratification, an actual analysis of the impacts of this treaty have yet to be seen. Background The origins of the international arms regulation and thus, the Arms Trade Treaty (ATT) can be traced back to the start of the Cold War. NATO had an interest in slowing the transfer of advanced military technologies to the Soviet Union.

They created the Coordinating Committee for Multilateral Export Controls (COCOM) to block arms, industrial technologies, and "atomic" technologies from being exported to the Soviet Union from countries in the Warsaw Pact. This was not a nonproliferation regime and its limited scope proved ill-
<https://assignbuster.com/the-arms-trade-treaty/>

equipped to handle the emerging problems of the Post-Cold War era. This was evident during the 1991 Persian Gulf War where the Iraqi military was able to build the world's fourth-largest military with \$40 billion in foreign weapons purchases. Lewis, 2005) After the war, western countries began working on international agreements aimed to stop destabilizing accumulations like the arms transfer component in the Middle East. (Collina, 2012) The idea for these international agreements was proposed by the United Kingdom which wanted a global regime aimed at "avoiding arms transfers that could destabilize a region, put human rights at risk, or provide inappropriately advanced technology. (Lewis, 2005) The language set forth in this goal would lead to a chain of international agreements and guidelines aimed at reducing illicit arms trade and defining the parameters of what illicit arms trade entailed; the United Nations (UN) Registry for Conventional Arms in 1991, the US begins work on the US Code of Conduct Bill in 1993, the Warsenaar Agreement in 1996, UN Guidelines for International Arms Transfers in 1996, Oscar Arias and a group of Nobel Laureates produce first draft of the International Code of Conduct on Arms Transfers in 1997, European Code of Conduct in 1998, US passes International Code of Conduct in 1999, UN Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects in 2001, Organization of American States (OAS) Model Regulations for the Control of the International Movement of Firearms, their Parts and Components and Ammunition in 2003, Great Lakes and Horn of Africa region adopt the Nairobi Protocol for the Prevention, Control and Reduction of Small Arms and Light Weapons in 2004, UN begins work on a global arms trade treaty in 2006, the

General Assembly of the UN votes overwhelmingly for approval of the global Arms Trade Treaty on April 2, 2013. Shah, 2008)(Charbanneau, 2013) For the two decades following the end of the Cold War, the world has been moving in the direction towards a global consensus on how we should provide accountability and responsibility to the selling of weapons culminating with an almost unanimous agreement laid out in the Arms Trade Treaty of 2013 which was passed through the General Assembly of the United Nations with a vote of 155 for, 3 against, and 22 abstained. (Charbanneau, 2013) Reason for the ATT The trade of goods internationally has long been subject to regulation. The import and export of cars and clothes has more restrictions on trade than Ak-47s and rocket launchers. So when the discussion surrounding arms trade regulation began, it was initially just a way for western nations to stem the unfettered growth of aggressive militaries which caused regional instability such as Iraq in the Persian Gulf War.

However, once these discussions entered the international arena, it was easy to see the practicality in implementing arms regulation and to contextualize the benefit that regulation would have on preventing numerous other instances of international instability. (UN Conference, 2013) From the Contras in Nicaragua, to the Khmer Rouge in Cambodia, to the Lord's Resistance Army in Uganda, it is easy to see the potential social and human impact of effective restrictions on the sale of weapons. The reason behind arms trade regulations is to stop weapons from falling into the hands of criminals, gangs, warlords, and terrorists who would use them to oppress human rights and destabilize the region.

There are economic impacts as well. The unrestricted sale of weapons results in damages through crime, gang violence, and piracy that vastly exceed the initial profits from selling them. UN peacekeeping missions alone cost the world over \$7 billion a year and the global burden of armed violence stands at \$400 billion. (UN Conference, 2013) ATT Policy Goals To address the lack of international oversight on arms trade, the UN formulated language designed to codify the growing international consensus of what responsible arms trade should look like. Through various concessions to accommodate differing opinions, they formulated a treaty with two rationales in mind.

The first was to stop sales to state end-users that would use them to undermine global peace and security, violate international human rights laws, impair socio-economic development, or are at risk to re-export those weapons which then might come into the hands of organized criminals or terrorists. The second rationale is to close loopholes in trade regulations and strengthen the effectiveness of legal frameworks to hinder the illicit arms market which provides weapons to end-users whom would normally be barred from acquiring them through legal means. (Kimball, 2011) The idea behind this rationale is to end the prevalence of weapons smugglers like Viktor Bout, whose actions inspired the film " Lord of War".

These smugglers effectively exploit loopholes in national and international laws to provide illegal arms around the world. (Austin, 2012) The Arms Trade Treaty would also seek to strengthen transparency and reporting on arms trade transfers and the production of munitions which will provide more accountability for State's actions. (Kimball, 2013) The treaty was created with the original UN Charter Chapter 7 Article 51 in mind which reads, "

Nothing shall impair the inherent right of individual or collective self-defense if an armed attack occurs". The treaty was shaped to allow arms purchases justified through the realm of self-defense and to fight back against regimes that violate human rights.

The vague nature of the language still leaves significant room for state differences on what acts will be deemed self-defense or political struggle. The language is also weak on providing a legal framework to deal with non-state actors and terrorism. The policies laid out by the Arms Trade Treaty are primarily aimed towards better control over the export sale of arms; however there is little language to account for the import of arms or for arms transfers which are labeled gifts, or trades. Impacts and Opinions There are 193 Member States of the UN General Assembly. The vast majority of them agree with the ATT, although most have varying reservations to the limitations of the treaty.

The treaty is considered a floor of regulation from which to work with and not a ceiling. 155 States voted in favor of the treaty, the most impactful vote came from the US. The development of this treaty was coming to a close in 2008 after the US Senate voted their intention to deny ratification of a ATT treaty. The withdrawal of support from the top arms exporter in the world would have vastly diminished the prospects for any meaningful implementation without the support of the US. The US has come out in support of this treaty since 2009, and the renewed support by the US fundamentally changes the effectiveness that implementation of the treaty will have.

The US did influenced language in the treaty to ensure that the regulations will not impede on State's domestic gun rights and will not lower the bar of States that already practice a high level of arms control. Despite this accommodation made specifically for the US, the National Rifle Association (NRA), a powerful interest group within America, is against the ATT and threatens to stop ratification in the Senate on the grounds increased regulation will affect domestic gun ownership. (MacFarquhar, 2013) The UN Association (UNA) which lobbies on behalf of the UN in America, stands in strong support of the ATT and is working to combat poorly informed opinions on the nature and language contained within the ATT. (UNAUSA, 2013) Proponents on both sides of the Syrian conflict voted against or abstained from the ATT.

Syria and Iran voted against the proposal while China and Russia abstained because of " the lack of an explicit prohibition on the supply of weapons to non-state actors that would, for example, restrain the ability of Syria's armed opposition from building up its stockpile. " (Lynch, 2013) Many of the Persian gulf powers which support the Syrian opposition, such as Saudi Arabia, Qatar, and Yemen abstained from the vote as well. The vague language in the ATT allows for political pressuring to frame either the Syrian opposition as terrorist groups or the Syrian regime as human rights oppressors and potentially justify a moratorium on arms exports to those organizations. This is one of the main criticisms of the ATT.

India also abstained from voting for the treaty, stating that the language was " the draft treaty was " tilted" in favor of the world's leading arms exporters. " Other abstentions came from the Latin American sect of countries that

generally vote against all US led initiatives in the UN. These countries include Bolivia, Ecuador and Nicaragua. However, the treaty was met with tremendous support in the rest of Latin America and Africa, countries that have seen a tremendous amount of instability at the hands of organizations who receive their arms through illicit arms trafficking such as the drug cartels and the Muslim resistance movements. These countries mainly asserted that in the long run, the treaty would curb the arms sales that have fueled many conflicts. MacFarquhar, 2013) The cumulative sum of opposition and abstention for various reasons creates a reality where some of the top arms exporters have chosen not to adhere to the new treaty. This creates concerns on the ultimate effectiveness of the treaty, because a large part of the export nations the treaty was designed to add transparency and regulation to are not participants. America and the Western nations make up a tremendous percentage of global arms sales the percentage fluctuates annually, but America generally represents around half of all arms sales and the UK, France, and other European countries account for between 10 and 15 percent of global sales. Shanker, 2012) So the impact of this treaty will be felt through close to three quarters of global sales, and the hope is that as international norms strengthen, the outlier nations will feel the pressure to conform to these new international standards as well. Success of the treaty Impact analysis over the next decade will truly define the success of this treaty. In fact, ratification will not even begin until June 3, 2013. Every state will define the standards to which they want the treaty to measure up to and view success through that lens. Pertinent questions might arise over the next decade, about how the ATT shifted geopolitical power, how it will enforce

arms transfers for conflicts where the consensus is split such as Syria, and whether it will have the teeth to prevent the widening of the black market which generally occurs when more stringent legal precedents are set.

At the bare minimum, this treaty must succeed at stopping the supply of weapons to regions of conflict where there is an overwhelming international consensus about the extent of human rights violations being carried out under a particular regime. There will always be political conflict, but through the ATT the ultimate success will be when it succeeds in ensuring that conflict does not manifest into disproportionate violence and perhaps alter the path of least resistance to a point where it is more expedient to resolve conflict through nonviolent means.

References

Austin, K. L. (2012, August 20). What Mauritius Can Teach Us About the Global Arms Trade - NYTimes.com. Retrieved April 11, 2013, from <http://atwar.blogs.nytimes.com/2012/08/20/what-mauritius-can-teach-us-about-the-global-arms-trade/?ref=viktorbout>

Charbonneau, L. (2013, April 2). U. N. overwhelmingly approves global arms trade treaty | Reuters. Retrieved April 11, 2013, from <http://www.reuters.com/article/2013/04/02/us-arms-treaty-un-idUSBRE9310MN20130402>

Collina, T. (2012, October). The Wassenaar Arrangement at a Glance | Arms Control Association. Retrieved April 11, 2013, from <http://www.armscontrol.org/factsheets/wassenaar>

Kimball, D. G. (2013, March 27). 'Final' Arms Trade Treaty A Good Step Forward | Arms Control Association. Retrieved April 11, 2013, from <http://www.armscontrol.org/pressroom/Final-Arms-Trade-Treaty-A-Good-Step-Forward>

Kimball, D. G. (2011, October). The Arms Trade Treaty At a Glance | Arms Control Association. Retrieved April 11, 2013, from