

Towards an international Arms Trade Treaty in July 2012

Throughout the world arms are a significant cause of death, especially in conflict areas. Bearing in mind that the arms trade accounts for about 1,400 billion dollars a year and that the main arms exporters are the five permanent members of the UN Security Council (United States, Russia, China, UK and France) and Israel (that together are responsible for 90% of new arms exports, it is easy to see it is difficult to slow down such a profitable business.

The negotiation process for an **Arms Trade Treaty (ATT)** was launched in November 2009 at the General Assembly of the United Nations. In July 2012 in New York, the ATT will be negotiated and possibly adopted or they may be a longer term process towards a strong and effective treaty.

Today, at an international level, the arms trade is the least regulated of all trades. The ATT attempts to regulate traditional arms and to combat the illicit trade. The member states of the UN have agreed to negotiate the treaty but the problem is that each has very different objectives.

Negotiations are aiming at legally binding norms that regulate the international trade. This will require states to put in place mechanisms for controlling international transfers, to introduce greater transparency, to be more responsible and to establish rules of good governance in arms transfers. Such regulation should help us in the fight against the diversion of weapons into the illegal trafficking that fuels conflict and armed violence.

Conventional and small arms targeted by the treaty

The conventional (classic) arms targeted by the treaty are not biological, chemical, nuclear nor radioactive.

They are generally devices designed to kill, injure or cause damage. There are seven categories of major heavy conventional weapons: large calibre artillery systems, armoured combat vehicles, battle tanks, missiles or missile systems, warships, attack helicopters and combat aircraft. There are also **light conventional weapons**: small arms and light weapons (SALW) and ammunition. This term generally refers to small arms such as revolvers and self-loading pistols, rifles and carbines, assault rifles and light machine guns. It is also sometimes used to cover both small arms and portable weapons. These weapons cause the greatest number of deaths worldwide and in Africa they are the real weapons of mass destruction.

The danger of small arms comes from their very nature. They are easy to carry, move, transport and conceal. They require minimal maintenance and logistical support and are easy to handle. In addition they have a long life, because these weapons are recycled from one conflict to another. They are found in the hands of many users in very diverse contexts.

There are still doubts whether or not to include ammunition and explosives in the ATT. But weapons are nothing without ammunition.

The challenges posed by international trade in conventional weapons

What is problematic in the arms trade is that it is legitimate but unregulated and it is a very lucrative business. There is also the gap between the rhetoric and practice of states that sell or buy weapons, the lack of transparency and the secrecy surrounding the trade. Several countries do not publish reports on their arms transfers.

In a globalized world, that trade responds to different situations ranging from the equipping of armies, police forces and national security groups to an illicit trade in arms which are destined for non-state actors, rebel groups, terrorists or criminals. There are several aspects of this trade: the geopolitical issue, the economic benefits and corrupt practices which are fairly common currency. On the other hand, there are the terrible **consequences** of this trade: the significant human cost, instability, loss of security, negative impact on development and the economy.

Today at the international level there are no legal rules but there is a patchwork of regional and national standards.

Besides the legal trade in which transfers are allowed, there is abundant illicit trade: irresponsible transfers to illegal groups, rebels, terrorists or criminal gangs. Among the transfers, some are unauthorized or prohibited by laws; there is misappropriation caused by theft or loss; the so-called "ant traffic" passes weapons to a neighbouring country. But there are also major international arms smugglers, e.g. Bout, Minin, Monsieur, who act primarily in areas affected by conflict, violence and / or crime.

There is less talk of **'grey' transfers** that are authorized by a country and that carry a high risk of misuse: violation of human rights, international conflicts, diversion to recipients under embargo, or in order to destabilize a country or government.

The path to the ATT

The first steps to prepare an ATT date back to 1995, a Nobel Peace Prize initiative led by Oscar Arias, to promote an International Code of Conduct on Arms Transfers. With the collaboration of NGOs, the "Framework Convention on International Arms Transfers" appeared in 2000 which would be the basis of general principles governing arms transfers.

In 2003, three NGOs [Oxfam, Amnesty International and the International Action Network on Small Arms (IANSA)] organized the **"Control Arms" campaign** calling for an international treaty on arms trade. Several other NGOs, among them AEFJN, joined this campaign. In December 2006, the ATT was put on the agenda of the UN. A feasibility study of an ATT by **government experts** was carried out from 2006 to 2009. Finally in December 2009, the UN approved official negotiations about such a treaty. Between 2010 and February 2012, there were four preparatory committees to prepare for the International Conference to negotiate an ATT in July 2012. At these meetings, areas of disagreement between states, possible elements of a future treaty and criteria to guide decisions on the authorization of arms transfers were identified. The UN International Conference in New York in July 2012 will negotiate the future ATT.

Some points of disagreement between the states

The objectives differ greatly from state to state. Some want a strong and comprehensive ATT to prevent transfers where there is a risk of violations of Human Rights (DH) or International Humanitarian Law (IHL), or risk of diversion; others seek a straightforward ATT that is easy to implement for regulating legitimate trade;

yet others only want to regulate the business while maintaining the sovereign right of States to trade.

As regards application (inclusion of weapons and arms trade activities) there are states that wish to include light weapons (SALW) and ammunition for these arms, as well as the technological development of weapons, while others would also include the term "transfer", i.e. the brokering, transit and transfer of technology).

Various criteria are put forward. Some seek a binding treaty that applies to all transfers of arms; others want to include criteria based on respect for human rights and IHL, development, corruption and the risk of diversion; then again, there is the call for transparency, victim assistance and an international secretariat for implementation to be included.

Civil society's for a strong Arms Trade Treaty

Civil society has played a prominent role in the ATT process. It is calling for: a **robust** and "**humanitarian**" treaty that will stop shipments of weapons and ammunition that fuel conflict and poverty.

a **legally binding** international treaty, with mandatory common standards so that the evaluation of arms transfers is based on international law and international humanitarian law. If the treaty were only "voluntary", states would not be obliged to enforce it.

transparency in arms trade (obligation to publish reports).

the inclusion of the largest possible number of weapons and activities connected with the arms trade.

The Golden Rule: a transfer of weapons will be *refused* where there is a substantial risk of their being used to commit violations against human rights or international humanitarian law - or may hinder poverty reduction.

The Position of the EU and Africa

Member states of the European Union are mostly producers and exporters, but also importers. There is already a fairly robust European Regulation on arms exports but they are looking for a treaty that includes small arms and puts a greater burden of responsibility on the states. They would like to incorporate criteria inspired by the EU Common Position (2008), including the Golden Rule, and want the presence of major producers and exporters to be included in the treaty. For them, the conference in July 2012 is the beginning of a long-term process, but they would like to have a text in July, even if the criteria for this text need further attention.

Sub-Saharan Countries: This area has been much affected by armed violence, conflicts and the proliferation of small arms and light weapons (SALW). Local instruments exist to combat this proliferation and, to reduce regional instability and human suffering, there is support for a strong, comprehensive ATT that includes the end-use of the arms and whose criteria are based on the states' international commitments. The African group is divided by problems of language and human and financial resources. This is felt during negotiations where often English-speaking countries are the spokesmen.

Challenges for the Negotiation Conference

The concerns of most countries about the practices and consequences of the arms trade at all levels.

The possibility of adopting a final text in July 2012 - and its content - since there are sceptic States to deal with and points of serious disagreement. There is also the problem of the consensus rule, but compromises are also expected. If the text lacks strength (which is quite likely) the challenge will be to ensure that July 2012 is the first step in a longer process towards a strong treaty.

However, it is not enough to have a treaty with standards that are more or less binding and robust. What is really important is that the implementation and application of the Treaty are ensured in practice. For this, international cooperation and assistance are essential, especially in relation to the most disadvantaged countries which are those who suffer most from the consequences of arms transfers.

For the ATT to be successful, we need *all* the players in the arms trade to become more responsible and not just the exporting countries. Importing countries also have a great responsibility and have to put their house in order.

Finally there are the challenges of the participation and role of civil society, not only during negotiations but even more so as the Treaty is implemented.

Christian Faith and the Arms Trade Treaty

The arms trade raises questions that lie at the heart of the Christian faith, notably the conviction that life is sacred, there is a commandment not to kill and a biblical injunction to love your neighbour. There are many documents of the Social Doctrine of the Church encouraging Christians to commit themselves to stopping weapons proliferation.

Proposal 23 of the second Synod for Africa is dedicated to the arms trade. The Bishops' encourage national governments to support the preparation of a Treaty on the Arms Trade (ATT) within the UN framework, with binding universal standards for global trade in conventional arms, standards that respect human rights and humanitarian international law.

The Synod Fathers, making their own the call of the prophet Isaiah, for love of God and neighbour, "they shall beat their swords into ploughshares and their spears into pruning hooks" (Is 2:4), propose that the **design and production of all kinds of arms be drastically reduced for the sake of education and agricultural development which respects the environment.**

The Episcopal Conferences in arms-producing countries are encouraged to advocate that their governments pass legislation restraining the production and distribution of arms to the detriment of African peoples and nations.

The content of the paper is based on a presentation by Valerie Moreau (GRIP) to Africa Europe Faith and Justice Network antennae