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The ABC of the Arms Trade Treaty

Why it's important – How will it work?

The Arms Trade Treaty is a potential ground-breaking humanitarian treaty that would regulate the international trade in conventional weapons. The Treaty will be negotiated at a United Nations conference in New York between July 2 - 27.

There is currently no effective international legislation on the global arms trade. While there are treaties on nuclear, chemical and biological weapons there is nothing on the weapons that kill people every day.

Patchy, diverse and often completely absent, national regulations are inadequate with the increasingly globalized nature of the arms trade. Arms companies, operating from an increasing number of locations, now source components from across the world. Their products are often assembled in countries with lax controls on where they end up, hence the need for truly global rules which reflect the nature of the trade.

"It is like we are mopping the floor with the taps on. It takes five minutes to shower bullets but it takes three hours and immense resources to repair each person. Even if we could afford it, it is a horrible waste. We need to direct our full energy to trying to prevent this crisis from escalating any further. The humanitarian community can help to turn off the tap."

Dr Olive Kobusingye, Trauma Surgeon in Uganda

An effective Arms Trade Treaty would require governments to authorize every international transfer of arms.

A transfer should be denied if there is a **substantial risk** that the arms would be used:

- in serious violations of human rights or international humanitarian law;
- seriously impair poverty reduction or the socio-economic development of the recipient state;
- to provoke or prolong a conflict; or
- be diverted to terrorist groups or the black market

Why is it important?

1) The poorly regulated international trade in arms contributes to armed violence

Recent events in Mali, where Tuareg rebels have seized a large part of the country, illustrate the dangers of an unregulated trade in weapons; the Tuareg forces are reported to be using materiel that has been trafficked from Libya, where the Gaddafi government had been stockpiling weapons. Some 200,000 Malians have fled the fighting, exacerbating a growing food crisis in the Sahel. An ATT would cut off weapons heading for a conflict zone by having stronger control over what comes in and out of country, especially one going through a conflict.

2) The poorly regulated arms trade contributes to serious human rights abuses, genocide and crimes against humanity

The violence surrounding the present Syrian uprising, in which an estimated 9000 people (UN figure, May 2012) have been killed and hundreds of thousands wounded, has been fuelled by arms sales to the Syrian government and to rebel forces. Syria's import of major weapons has increased by 580 per cent from 2002–2006 and 2007–11. The Russian Federation is believed to be the biggest supplier of arms to President Bashar al-Assad's government, including a shipment of ammunition in January 2012 at the height of the violence in Homs. France and India have also sold arms to Syria in the recent past. Certain actions by the Syrian government during the current conflict – such as the use of lethal force on unarmed demonstrators, and the use of tanks, artillery, and combat aircraft in civilian population centres – clearly constitute serious violations of human rights. An ATT would help cut off weapons sales to governments likely to use them to abuse their citizens. (See the Amnesty International report on 'Arms Transfers to the Middle East and North Africa'.)

Syria's imports of major weapons increased by 580 per cent between 2002–2006 and 2007–11. Russia supplied 78 percent of Syrian imports in 2007–11, followed by Belarus (17 per cent) and Iran (5 per cent). Russia has opposed a proposal for a UN arms embargo on Syria and plans further deliveries, including 24 MiG-29M2 combat aircraft and 36 Yak-130 trainer/combat aircraft.

http://books.sipri.org/product_info?c_product_id=443

A Lebanese arms dealer recently told Reuters that, owing to the revolution in Syria, he was busier than ever.

http://www.newyorker.com/reporting/2012/03/05/120305fa_fact_schmidle?currentPage=2

3) *The poorly regulated arms trade impedes socio-economic development*

Africa is estimated to lose $18 billion per year due to armed violence.

This is approximately equivalent to the annual sums of development aid to the entire continent. Armed conflict shrinks an African nation's economy by 15 per cent (Oxfam, 2007, 'Africa's missing billions: International arms flows and the cost of conflict'.) Violence and instability, and the crime levels to which they contribute, discourage outside investment.

Additionally, corruption in the defence industry is estimated to cost $20 billion per year. The US Department of Commerce estimates that corruption in the arms trade accounts for approximately 50 per cent of all corrupt transactions globally, despite the fact that the value of arms traded annually does not exceed 1 per cent of global trade. Corruption and bribery leads to higher transactional and hidden costs, often representing a high percentage of the contract total value for the companies (Transparency International (UK), 'Preventing Corruption in the Official Arms Trade', 30 April 2006, Update Note 3.)

A robust ATT would dramatically reduce armed conflict and corruption, and the diversion of funds to criminal enterprises. For a start, in a situation like in Mali or Cote d'Ivoire for instance, a treaty would cut off weapons heading for this specific conflict zone to encourage political negotiation. National legislation for Arms Trade Treaty implementation would require security sector reform and improve civilian control of the military, both vital areas of good governance that would contribute to socio-economic development.

The ATT would also provide simple rules, which would detail when an arms exporter could, and could not, send arms to a prospective buyer. If it was thought that the sale of arms might result in breaches of human rights or international humanitarian law; could damage socio-economic development of the recipient state; provoke or prolong a conflict; or lead to diversion to terrorist or into the black market – such a sale would be banned. This would apply to all conventional arms and equipment. While individual countries have such export control policies, there is no such global regulation.

The volume of deliveries of major conventional weapons to states in Africa increased by 110 per cent between 2002–2006 and 2007–11. Deliveries to sub-Saharan Africa increased by 20 per cent, but deliveries to North Africa increased by 273 per cent.
http://books.sipri.org/product_info?c_product_id=443
Nearly one million of the 7–8 million firearms produced every year are lost or stolen.
http://www-tc.pbs.org/wnet/women-war-and-peace/files/2011/11/small_arms_FINAL.jpg

4) *The poorly regulated arms trade results in deaths, injuries and insecurity for non-combatants, including children; it also facilitates violence and sexual assault against women.*

It is most often small arms and light weapons that are used to facilitate and commit various forms of violence and crimes against women, both during and outside of armed conflict. It is estimated that 64,000 women and girls suffered war-related sexual violence in Sierra Leone's civil war between 1991 and 2002. Testimonies of women explain how the assaults were endured at gunpoint.

"I have spent over 40 years of my life at war. I became a child soldier at the age of 12, and I know firsthand that the weapons that can do the most harm – small arms such as AK47s and handguns – are often considered the least. Sudan has become a dumping ground for small arms. Much of the tragic loss of life we witness isn't just caused by large military-weapons, but arms that any man, woman, or child can carry. The Arms Trade Treaty would slow the flow of these weapons onto black and grey markets and would help keep them out of the hands of war lords, terrorists, drug dealers, and thugs."

Bishop Elias Taban
Head of the Sudan Evangelical Alliance

How would an ATT work?

The treaty must be: international; workable; comprehensive; clear; and robust.

The ATT must be international
Many states have national-level regulations about arms-trading but, globally, the trade between states is largely unregulated.

Additionally, arms manufacturers are international businesses, sourcing components from across the world. Arms export regulations may be stringent and strictly enforced in one country, but lax in another. These inconsistencies allow the irresponsible transfer of arms and ammunition between countries, and allow arms and capital flows to be appropriated by traffickers and criminals.

Small arms control is often weakest where the jurisdiction of one state ends and that of another begins. Weapons shipments can be diverted to unauthorized recipients while en route to a declared destination, or even after they reach the intended end-user.
http://www.smallarmssurvey.org/about-us/highlights/highlight-att-review.html

The ATT must be workable
The ATT must be implemented through national legislation, and there must be administrative capacity for assessing, authorizing and documenting transfers, as well as mechanisms for monitoring and enforcing compliance.

There must also be provisions for settling disputes and punishing offenders. All of this will be negotiated in July.

The ATT must be comprehensive
The ATT must cover all conventional arms – everything from fighter jets and tanks through to small arms and ammunition – and all types of arms transfers. It must include all arms and ammunition for military, security and police use, including internal security equipment such as tear gas and other crowd control ammunition and crowd control vehicles, all of which have been used recently in the violent suppression of protesters across the Arab world.
In an increasingly globalized arms industry, it is also crucial that parts and components, related equipment and training are also included.

The ATT must also cover all types of transfers (import, export, re-export, temporary transfer and transhipment, transfers of technology, loans, gifts and aid) and all types of transactions, including those by dealers and brokers.

The ATT must be clear
The ATT must unambiguously stop arms transfers where there is a substantial risk they will be used in violation of international human rights and humanitarian law, or will undermine

sustainable development. It must clearly set out the grounds on which an arms transfer shall be denied.

It must establish international binding standards to assess weapons transfers. These should be based on existing international law and global norms, including international human rights law, international humanitarian law, UN Security Council resolutions and principles enshrined in the UN Charter.

Once again, the future language on the criteria is key and it must be crystal clear: no transfers of weapons when there is a substantial risk that they may be used for serious violations of international human rights or humanitarian law or may impair poverty reduction.

The ATT must be robust and transparent

The ATT must be incorporated into the national law and regulations of every ratifying nation.

Countries should be required to report annually and publicly on all controlled items traded in or out of their territory, or brokered by their nationals. An international Implementation Support Unit should collate and publish all such national reports each year. Any decisions that break the terms of the Treaty could then be challenged and potentially overturned in the national courts. In implementing the ATT, many developing countries will require financial and technical support.

An effective Assembly of States Party and Review Conference that is open to civil society representation, including women's organisations, will be vital in assessing how the ATT is being implemented, and in recommending improvements for the future.

There is widespread support for a robust and comprehensive ATT, from exporting countries (Germany, France and the UK) and from countries that suffer the effects of irresponsible arms transfers (Liberia, Nigeria, Guatemala). Even if major manufacturers like Russia, China and the US do not sign up to the ATT, if it were ratified by a large number of countries it would become binding international law and create a strong international norm.

Unfortunately, in the United States, the value of an ATT has been obscured by the misleading lobbying efforts of the National Rifle Association and its proxies in Congress who allege that the still-to-be-negotiated treaty will clash with legal firearms possession in the United States. That is not the case.
http://www.armscontrol.org/act/2011_09/Focus

Together with our partners in the Control Arms Coalition Oxfam has been calling and campaigning for an ATT for over a decade. The ATT negotiations are a huge opportunity for the UN to agree a groundbreaking Treaty to bring the arms trade under control.

The situation is on a knife-edge. There is still a long way to go before the treaty is finalized so there is everything to play for. We are urging supportive governments and champions of the Arms Trade Treaty process to keep the negotiations on track and secure as robust a treaty as possible. Lives are hanging in the balance.

www.oxfam.org

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The following organizations are currently observer members of Oxfam International, working towards full affiliation:,Oxfam Japan (www.oxfam.jp) Oxfam Italy (www.oxfamitalia.org)

Key facts and links

- Every day, millions of people suffer from the direct and indirect consequences of the irresponsible arms trade; armed violence kills up to 2,000 people every day

- 12 billion bullets are produced each year, that's enough bullets to kill every person on the planet twice.

- Weapons makers produce about eight million new small arms every year –arms that can keep firing for decades using some of the 12 billion or more units of ammunition manufactured annually.

- In 2010, only 90 of the world's governments reported having basic national controls on the import of small arms and light weapons.

- In Africa, about 95 percent of the weapons most commonly used in conflict—derivatives of the Kalashnikov rifle –come from outside the continent.

- More than $2.2bn worth of arms and ammunition have been imported since 2000 in countries operating under arms embargoes

- Armed conflicts are estimated to have cost Africa $18bn a year – about the same as global aid to the continent

- Corruption in the global defence industry is estimated to cost $20bn a year

Further reading / background / Useful / Links

Oxfam: http://www.oxfam.org/en/category/freetags/arms-trade-treaty
Oxfam's report on Africa's Missing Billions: http://oxf.am/or5
Control Arms: http://www.controlarms.org/att
Amnesty: http://www.amnesty.org/en/campaigns/control-arms

Follow some of these accounts on TWITTER with the #armstreaty

From Oxfam:
@oxfam @louis_press @annamac33 @vinothorsen @mbutcher @rimachemirik @oxfam

Others:
@controlarms @amnesty @armscontrolnow @SIPRIorg