

Stay on Target

Will the UK fight the battle for tough arms controls?



A 12mm machine gun round dropped by alleged northern PDF (Peoples' Defense Forces) and SAF (Sudan Armed Forces) troops when they attacked Maker Abior village.
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July 2012 sees the greatest opportunity ever to regulate the global arms trade, as states gather in New York to negotiate an international Arms Trade Treaty.

The UK has been crucial in making this happen. Since 2004, it has championed a Treaty that will have a genuine impact on humanitarian and human rights.

A strong Arms Trade Treaty will be a triumph for UK diplomacy.

That is what the UK must now hold out for – a robust Treaty that most of the world wants. Not the watered-down alternative that Syria, Iran and a handful of other governments would prefer.

Foreword by Sir John Holmes

For too long arms have been falling into the wrong hands due to lax controls. As UN Emergency Relief Coordinator I saw too often the appalling humanitarian and development consequences of this poorly regulated trade in conventional weapons, particularly small arms: the killing and wounding of hundreds of thousands of civilians, the abuses and sexual violence which accompany conflict, the displacement of whole populations. Armed violence also made it more difficult and dangerous for aid workers to provide the vital humanitarian assistance that was needed.

Important national and regional efforts have been made to regulate the trade in conventional weapons, but this patchwork of controls is still not adequate. An international Arms Trade Treaty is also vitally needed. This year, through that Treaty, the world has a chance to put in place more effective global controls on the arms trade. This is exactly what the UN was set up to do: to protect the vulnerable from the powerful, to make the world a better and safer place.

Agreeing a truly effective Treaty is the most important challenge. The understandable desire for a universal Treaty should not lead us to accept one which is too weak. My years at the UN not only showed me the human cost of the poorly regulated trade in weapons; sometimes it also showed the cost of governments compromising so far that any eventual agreement could have little practical effect. That must not be the fate of the Arms Trade Treaty. I trust that the UK, which has done so much to champion the Treaty, will not let that happen. The Treaty must for example require governments to prevent arms transfers where there is a likelihood of serious violations of human rights or humanitarian law.

A strong Treaty will be only the first step. There must then be the political will and resources to help governments with limited capacity to make it work. The effective control of conventional weapons is a long game, like almost everything worthwhile achieving. The Arms Trade Treaty is not a 'quick fix' or an easy solution. But it can make a vital and considerable difference to the ease with which large quantities of weapons fuel armed violence, especially new conflicts. It can thereby save very many lives. Now is the time to redouble efforts to achieve a genuinely tough Treaty which will begin that task.

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Summary

A robust global Arms Trade Treaty (ATT) is desperately needed to stop the irresponsible transfer of arms that fuels:

- **Atrocities** – like those in Syria, where more than 8,000 people, mostly civilians, have been killed since the crackdown on protests began in early 2011;¹
- **Armed violence and conflicts** – which is estimated to cost Africa alone \$18bn a year;³
- **Corruption in the defence industry** – which costs \$20bn a year,⁴ and which undermines the competitiveness of UK exporters.

That is why the UK government has championed a global Treaty since 2004, supported by non-government organisations and defence companies alike. Without such a Treaty, there is a gaping hole in the infrastructure of international law, which has tragic consequences for people around the world.

After years of diplomacy, there is hope that a Treaty may at last be agreed at a UN conference in New York in July 2012. But there is still a great deal of work to be done to ensure that that Treaty is genuinely worthwhile. Some governments – including Syria and Iran – want a watered-down Treaty that will do nothing to limit their ability to sell or buy arms to or from whoever they please. Some of the governments opposed to a strong Treaty are the very same that were involved in buying or selling the \$2.2bn worth of arms which, in the absence of a Treaty, have gone to countries subject to arms embargoes – including Iran and North Korea – between 2000 and 2010.⁵

Securing an effective global ATT has been a long-term endeavour. It must not be sacrificed for a weakened Treaty that would do little to protect civilians, uphold human rights, or release desperately needed resources for global development.

Recommendations

The UK government must hold out for a strong Treaty. It should lobby vigorously for a Treaty that delivers – protecting people from human rights abuses and armed conflict. It should walk out of July's conference and seek to establish an alternative process, rather than support a weakened Treaty.

The government should do everything possible to secure a global ATT that:

- Unambiguously requires that states shall not transfer arms where there is a substantial risk that they will be used to:

'There are so many weapons here that each person makes his own law. There is practically complete impunity. Anyone who holds a weapon has authority over anyone and can threaten anyone.'

Jean-Charles, humanitarian officer in the Democratic Republic of Congo, Bukavu, South Kivu²

'Across the world, 60 per cent of human rights violations documented by Amnesty International involve small arms and light weapons.'

Amnesty International, 2010⁶

'Uncontrolled arms transfers fuel crimes against civilians during armed conflicts, including the tens of thousands of people forced to flee Joseph Kony's Lord's Resistance Army in the Democratic Republic of Congo in 2011.'

Oxfam International, 2011⁷

- Commit or facilitate serious violations of international human rights law or international humanitarian law – including gender-based violence, such as rape and other forms of sexual violence;
 - Divert an unreasonable level of resources from sustainable development;
- or where:
- An arms transfer involves corrupt practices or corruption at any stage of the transfer.
- Covers a comprehensive scope of equipment to control:
 - All conventional weapons, related articles, and equipment used in military and internal security operations;
 - Parts and components, technologies, technical expertise and equipment for making, developing and maintaining those articles.
 - Includes all types of international trade, transfers, and transactions, including imports, exports, re-exports, transits, transshipments, commercial sales, state to state transfers, loans and gifts, brokering, transport, and finance.
 - Provides for robust mechanisms for (a) prior risk assessment; (b) end-use assurances; (c) brokering controls; and (d) criminal sanctions for activities not authorised in accordance with the Treaty.
 - Requires that all states keep records of authorised transfers for at least 20 years.
 - Ensures transparency through annual public reports by states on all transfers and on how they have implemented their obligations under the Treaty.
 - Ensures that the existing rights of victims of armed violence are recognised, including that states commit to providing them with assistance for recovery, rehabilitation, justice, and inclusion.

Decade of diplomacy

In September 2004, the then Foreign Secretary Jack Straw told the Labour Party conference that the UK would work to secure an international Arms Trade Treaty (ATT). The following March, he set out its aim to stop arms exports that ‘may be used to abuse human rights or breach international law... fuel internal or regional conflict or tension... or risk being diverted to terrorists’.⁸

‘The Arms Trade Treaty is an important initiative and wholeheartedly supported by industry in the UK.’

Society of British Aerospace Companies, 2007⁹

This global ATT would oblige every government to prevent exports that posed a serious risk of being used for the purposes described. It was supported by both defence companies¹⁰ and the Control Arms alliance of non-government organisations (NGOs),¹¹ and quickly won cross-party support among Liberal Democrats, Conservatives and others. In 2006, Conservative Party leader David Cameron welcomed the proposed Treaty, which would provide ‘firm, consistent and fair rules’ to regulate the arms trade.¹²

A tough ATT, he said, would prevent arms fuelling ‘brutal and destabilising conflicts’, and would be in the British national interest. ‘The British arms industry,’ he said, ‘already plays by the rules, operating to some of the highest standards in the world. An international ATT would help force less scrupulous countries to raise their game, and stop selling arms to unsuitable regimes.’¹⁴

‘Since Control Arms was launched in 2003, about a million people have died from armed violence. Those victims of the unregulated arms trade cannot speak. But the one million people who have given their pictures to this petition have done so.’

Julius Arile, presenting the world’s largest ever photo petition to UN Secretary-General Kofi Annan, June 2006¹³

That same year, Julius Arile of Kenya became the millionth person to add his photo to the Control Arms petition for tougher international arms controls – a petition made up of photos of the faces of one million people from 160 countries. Also in 2006, the UK and others won the UN General Assembly’s support for international discussions on an ATT.

Over the next three years, the UK and other governments worked closely with NGOs to build international support and momentum. In 2007, Ellen Johnson Sirleaf, President of Liberia and subsequently winner of the 2011 Nobel Peace Prize, welcomed a ‘groundbreaking report from IANSA [International Action Network on Small Arms], Oxfam, and Saferworld, which for the first time quantifies what many of us know – that on top of the human misery suffered by millions during armed conflict, these conflicts cost Africa billions of dollars each year’.¹⁵

Despite opposition from some quarters, the moral force of the Liberian President and other African leaders, combined with assertive diplomacy from the UK and other governments, succeeded in building strong international support for the ATT. In 2009, the UN General Assembly launched formal negotiations to agree a Treaty.

Coalition commitment

In May 2010, the new UK coalition government set out its programme, which backed ‘efforts to establish an International Arms Trade Treaty to limit the sales of arms to dangerous regimes’.¹⁶

Later that year, the Strategic Defence and Security Review initiated cuts in defence spending. This made UK defence companies even more dependent on exports, competing with foreign companies operating under weak export controls. The 'level playing field' that business hoped an ATT could provide had become much more urgent. In January 2012, ADS, the UK defence industry trade organisation, told MPs, 'we want the ATT to be robust, effective and implemented'.¹⁷

The UK's diplomatic campaign for the Treaty has been remarkably strong and focused. But there is still a great deal of work to make sure it is genuinely worthwhile, before the UN conference opens in New York on 2 July.

Tyranny of consensus

Some governments want a watered-down Treaty that will do nothing to limit their ability to buy or sell arms to or from whomever they please. Others seem ready to settle for any ATT, rather than one that will actually prevent arms being used to abuse human rights or fuel conflicts.

In February 2012, the final preparatory meeting to prepare for the UN July conference almost collapsed due to wrangling over whether states who have never favoured a meaningful Treaty could effectively veto it. When that meeting finally agreed that July's substantive decisions will be taken 'by consensus', Mexico – one of the Treaty's strongest supporters – denounced other governments that had paralysed multilateral processes by 'the tyranny of consensus'. It reminded those governments that a ban on landmines and cluster bombs was achieved not through consensual negotiations at the UN, but by governments with the required political will acting on their own.

Egypt, Venezuela and Cuba hit back, joining Syria, Iran, Russia and others that had lobbied hard in the meeting for the 'consensus' approach. But Nigeria spoke for many when it challenged the governments who remain opposed to a robust Treaty to negotiate in July in 'good faith'.¹⁹

That is not likely to happen though. A handful of governments will head for New York seeking to wreck the prospects for a tough, robust Treaty. Some of them are the very same governments that were involved in buying or selling the \$2.2bn worth of arms which, in the absence of a Treaty, have gone to countries under arms embargoes – including Iran and North Korea – between 2000 and 2010.²⁰

Given this context, the UK government faces three key questions:

- Will it live up to the ambition David Cameron set out in 2006?
- Can it negotiate a tough Treaty that will deliver?
- Is it ready to walk away rather than sign up to a weak Treaty?

'As we see in the case of Syria, vetoes hamper the ability of the international community to prevent conflict. The will of most nations who want to see the arms trade brought under control must not be thwarted by a minority set on delaying that. Countries that especially support the veto include Syria, Cuba, Iran and the United States.'

Jeff Abramson, Spokesperson, Control Arms, 17 February 2012¹⁸

The UK in a changing world

'We can use our influence, and confront the pessimism that claims we can't make a difference.'

David Cameron, Speech at the Lord Mayor's Banquet, 14 November 2011²¹

'We will raise our concerns about human rights wherever and whenever they arise... We will be a powerful advocate for British values in multilateral diplomacy and... working towards a global Arms Trade Treaty.'

William Hague, Speech, March 2011²⁴

'It is vital that a robust and effective global Arms Trade Treaty is negotiated this year with comprehensive scope and robust parameters.'

Ed Miliband, 2012²⁷

There could be no better example of what Prime Minister David Cameron and Foreign Secretary William Hague have said about the UK's role in a changing world than succeeding in securing agreement on a tough global ATT. Both are determined to show that the UK can, and must, pursue a foreign policy that has 'human rights and poverty reduction at its irreducible core'.²²

As William Hague said in 2011, 'The belief in... human rights and the rule of law are part of our national DNA. Where human rights abuses go unchecked, our security and our prosperity suffers as well.' That is why 'there will be no downgrading of human rights under this Government. Indeed, there is a substantial upgrading. For pursuing a foreign policy with a conscience is the right thing to do, and is in the long-term enlightened national interest of our country.'²³

It is precisely because the UK takes this enlightened view, and 'many of the countries that are emerging as great powers' still do not, that, Hague argues, the UK must 'be right at the forefront of... new multilateral agreements' like the ATT.²⁵

Across the coalition – and indeed all parties – there is support for that view. In February 2012, Deputy Prime Minister Nick Clegg laid out the government's determination to 'lead the charge for a robust, legally-binding treaty, covering all conventional weapons'. It must cover, he said, 'not only rockets and tanks, but also the ... AK-47s that cause so much bloodshed. We'll press states who sign up to block sales that fuel conflict or fail to meet the treaty's obligations on human rights.'²⁶

As in the ATT negotiations, none of this is easy.

Tough negotiations

The negotiations ahead will continue to be difficult. Alistair Burt, the Foreign Office Minister responsible for the Treaty, told the Commons on 26 January 2012 that 'it will be hard to get an agreement.'²⁸ He was absolutely right. But it is vital to do so, and to get an agreement that stops irresponsible arms sales.

In his most important foreign policy speech to date, David Cameron said that Britain must be 'firmly committed to upholding our values... even in the most difficult circumstances'.²⁹

William Hague has said the same: that 'we have to work even harder to persuade others to support the things we believe in, including on human rights... within a foreign policy that seeks to strengthen the rules-based international system in support of our values'.³⁰

That is precisely the situation facing the government at this stage of the ATT negotiations.

In the face of pressure from the USA, and filibustering from Syria, Iran and others, the UK must not accept a weak Treaty that would neither reflect British values nor protect British interests. If it were weaker than the UK's own export controls, it would do nothing to protect human rights or stem the valuable resources being

squandered by irresponsible arms sales to developing countries, nor would it help British companies compete around the world in the increasingly challenging global market.

Instead, the UK should stand firm and negotiate a tough Treaty that would deliver what it needs to.

Section 2 will set out what a tough Treaty must look like.

First, however, it is worth remembering why the UK championed a tough Treaty in the first place.

The case for a tough Treaty

A tough ATT has always been designed to deliver humanitarian, human rights, and development benefits – and to help UK business.

A tough Treaty will:

- Reduce the cost of armed violence and conflicts – in both human and economic terms. Armed conflicts force millions of people to flee their homes, including those who seek refuge in the UK and elsewhere,³² and are estimated to have cost Africa \$18bn a year – about the same as global aid to the continent;³³
- Curb the flow of arms where they risk fuelling serious violations of human rights (such as torture, the excessive use of force by security forces, extrajudicial executions, forced evictions, and disappearances) – such as the Russian ammunition delivered to Syria, via Cyprus, in January 2012;³⁴
- Curb the flow of arms where they risk fuelling serious violations of international humanitarian law (such as attacking civilians during armed conflicts);³⁶
- Stem developing countries' spending on arms that are not always needed (while protecting their right to buy arms that are);
- Crack down on corruption in the global defence industry – which is estimated to cost \$20bn a year³⁷ and undermines UK competitiveness;
- Help UK companies manage their global supply chains across countries that, without an ATT, have different export controls.³⁸

The UK has invested years of diplomacy in a Treaty that will achieve these goals. The only decent return for this will be a strong Treaty that actually delivers what it needs to.

In July 2011, the government said that 'securing a robust Arms Trade Treaty that will help regulate the global arms market to prevent weapons reaching those who use them to undermine stability and democracy is a very high priority'.³⁹ In the following months, however, ministers made no high-profile statements, and most of the officials working on the Treaty in every government department were moved on.

In 2012, the government appears to have turned a corner and given renewed priority to pushing forward on the Treaty. In February 2012, William Hague told MPs that the UK has the same ambition it had always had, for a truly robust and effective ATT. In Section 2, we set out exactly what this needs to be.

'95 per cent of arms and ammunition used in Africa's conflicts have been imported from outside the continent'

IANSA, Oxfam International and Saferworld, 2007³¹

'Thousands of rapes are made possible by guns. Nearly all the 303 rapes reported in four days in 2010 in Walikale, North Kivu, in the Democratic Republic of Congo, were committed by armed men.'

UN Mission in DRC, 2010³⁵

2

The final hurdle

'Research from Amnesty International has found that uncontrolled arms transfers have fuelled human rights abuses in many countries, including Burma/Myanmar, Chad, Colombia, Côte d'Ivoire, Guatemala, Guinea, Iraq, Somalia, Sudan and Uganda.'

Amnesty International (2008)⁴⁰

'They were armed, they put guns to my head and said "Come with us".'

Salma, a 49-year-old woman in Iraq, who was raped by 10 men⁴¹

'Between 2000 and 2006, Eritrea spent an amount equal to 65 per cent of its development assistance on military expenditure.'

OECD, 2007⁴⁴

The UK still has everything to win, or lose, at the UN Conference on the ATT in July. Some governments suggest the only realistic outcome is a weak Treaty that is acceptable to all states. But the only realistic way to control arms transfers is a tough ATT that unambiguously prohibits transfers that risk serious violations of human rights or international humanitarian law, or divert an unreasonable level of resources away from the effort to reduce poverty and build sustainable development.

That will inevitably be more difficult to negotiate. But, having come this far, no other Treaty is worth fighting for.

A weak Treaty will be worse than condoning today's abuses in which governments arm human rights abusers and cynically promote arms that developing countries cannot afford. It could even be regressive through undermining a government's existing obligations.

A tough Treaty would provide a foundation to build on, for the UK and others to demonstrate how the Treaty helped them contribute to international peace and security, and to human rights and development, without undermining their legitimate defence industries. It would help industry by creating a level playing field, creating stability, reducing burdens by harmonising regulations and procedures across the global supply chain and facilitate greater international cooperation. On that basis, it would allow the UK to encourage governments outside the Treaty to eventually join this vital part of the rules-based international system.

The great majority of the world's 193 governments want a robust, effective ATT. More than ever before, the UK must help make that happen.

At the negotiating table

In every area of the Treaty, governments will argue over the elements that will make it worthwhile or not.

Human rights, humanitarian law, and development

Most governments want a Treaty that will stop arms transfers that violate existing international law.⁴² That means the Treaty must prohibit transfers where there is a substantial risk that they will lead to serious violations of existing human rights or international humanitarian law. This must include the use of sexual violence against civilians that is already recognised as a war crime.⁴³

There must be no room for doubt. The Treaty must clearly state that governments shall not allow such transfers. There would be no value in a Treaty that obliged governments to simply 'take into consideration' these concerns.

In the same way, the Charter of the United Nations already requires states to promote peace and security 'with the least diversion for armaments of the world's human and economic resources'.⁴⁵ The ATT must help to ensure this, by prohibiting arms transfers that would di-

'The trade in weapons accounts for between 40% and 50% of corruption in all world trade... Some of the arms trade operates in a parallel legal universe, which escapes all effective regulation.'

Royal Africa Society, 2012⁴⁶

vert an unreasonable level of resources from economic and social development or prevent governments from meeting internationally agreed goals to reduce poverty and build sustainable development.

It is often difficult to assess whether any particular arms transfer would be an unreasonable diversion of resources or not. Every state has the right to arm its security forces to maintain security against internal or external threats. That is why the UK government has generously funded research to set out how governments could implement an ATT's 'development criterion' in the interests of both security and development.⁴⁷

One vital part of this would be to ensure that the corruption that has been endemic in defence procurement in many countries no longer facilitates irresponsible arms transfers, and to ensure instead that implementing the Treaty goes hand in hand with reforming defence procurement in a transparent way.

Closing the loopholes

Beyond the sheer lack of international regulation of the arms trade, many national and regional agreements are weakened by loopholes on the types of arms – or arms deals – they cover. In contrast, the UK's controls (while not perfect) are wide-ranging and actively seek to control the arms brokers and others that operate on the edge of legitimate business. The ATT must not provide a weaker framework. It must cover every type of international trade, transfer, and transaction in conventional weapons.

For the same reason, the Treaty must cover every type of conventional arms, including all types of small arms and light weapons (used in most of the current episodes of armed violence), including the supply of ammunition of all kinds.

It must also cover internal security equipment such as tear gas and other crowd control ammunition and crowd control vehicles, the use of which the UK has rightly condemned in the violent suppression of protesters across the Arab world. And, as UK companies have made clear, the Treaty must control the broad scope of equipment, including spares and parts that UK export controls already cover.⁴⁸

Effective implementation

Agreeing a worthwhile Treaty is, of course, only the first major step. The next is to rigorously implement it, which for many developing countries will require support from the UK and other generous governments. It will require states to report annually and publicly on all controlled items traded in or out of their territory, or brokered by their nationals, as well as an international Implementation Support Unit to collate and publish all such national reports each year. This public reporting is a crucial mechanism through which, if undertaken properly, the ATT can help detect corruption.

Finally, no Treaty will be perfect. An effective Assembly of States Party and Review Conference that is open to civil society representation, including women's organisations, will be vital not only to assess how the Treaty is being implemented, but to recommend improvements for the future.

3

Conclusion: The final push

'When there are guns, there are more victims.'

Malya, a woman living in Martissant, Port-au-Prince, Haiti⁴⁹

The foundations for tough international arms controls have been laid, and the date for the UN Conference to agree an ATT has been set.

Now, it is time to make one final push to agree a Treaty that will deliver the protection for human rights, international humanitarian law, and development that it was always intended to.

That will be the task for every government in New York in July; the UK and all countries that have championed the Treaty must hold out for a strong ATT rather than a watered-down version – if necessary, they should walk away from the talks and seek to establish an alternative process, rather than support a weak Treaty.

The UK government must grasp this opportunity to lead a coalition of governments willing to agree a much-needed, strong ATT.

Recommendations

The UK government must do everything possible to secure a robust and effective ATT, and should reject any Treaty that does not include the following key elements.

It must push for agreement on a Treaty that:

- Unambiguously requires that states shall not transfer arms internationally where there is a substantial risk that they will be used to:
 - Commit or facilitate serious violations of international human rights law or international humanitarian law – including gender-based violence, such as rape, and other forms of sexual violence;
 - Divert an unreasonable level of resources from sustainable development, or fuel corruption.
 - Where this is the case, the transfer authorisation should be denied until there is clear evidence that any risks have been mitigated.
- Covers a comprehensive definition of scope of equipment, to include the control of:
 - All conventional weapons (including small arms and light weapons), munitions, armaments, ammunition, related articles, and equipment used in military and internal security operations;
 - Parts, components and accessories thereof, and machines, technologies and technical expertise for making, developing and maintaining those articles.

- Includes all types of international trade, transfers, and transactions in conventional arms: including exports, transfers, re-exports, transits, transshipments, imports, state-to-state transfers, gifts, commercial sales, loans, leases and the essential services to complete the transaction (brokering, transport, financing).
- Provides for robust regulation of licensing systems: including, for example, mechanisms for (a) prior risk assessment and authorisation; (b) the use of end-use assurances where necessary; (c) brokering controls; and (d) national criminal sanctions for activities not authorised in accordance with the terms of the Treaty.
- Requires that all states keep records of the international arms transfers that the national authorities have authorised and that have been cleared by customs. Records should be kept for 20 years.
- Ensures transparency through measures including (a) annual public national reports by states covering all types of conventional arms and forms of international transfer defined under the ATT; and (b) reports on steps taken by states in order to implement their obligations under the Treaty.
- Ensures that the existing rights of victims of armed violence are recognised, including that states commit to providing them with assistance for recovery, rehabilitation, justice, and inclusion.

Notes

- ¹ United Nations News Service (2012), 'Surge in violence in Syria unacceptable, says UN-Arab League envoy', <http://www.un.org/apps/news/story.asp?NewsID=41730&Cr=Syria&Cr1=>
- ² J. Marks (2006) *The call for tough arms controls: Voices from the Democratic Republic of Congo*, Oxford and London: Oxfam, IANSA, and Amnesty International, p. 2, <http://policy-practice.oxfam.org.uk/publications/the-call-for-tough-arms-control-voices-from-the-democratic-republic-of-the-congo-123905>
- ³ This is based on Oxfam research into the costs in the years 1990 to 2006: D. Hillier (2007) *Africa's Missing Billions: International Arms Flows and the Cost of Conflict*, Oxford and London: Oxfam, IANSA, and Saferworld, p. 9, <http://policy-practice.oxfam.org.uk/publications/africas-missing-billions-international-arms-flows-and-the-cost-of-conflict-123908>
- ⁴ Evidence submitted by Transparency International to UK Parliament Committees on Arms Export Controls, Session 2010–2011, <http://www.publications.parliament.uk/pa/cm201011/cmselect/cmquad/writev/arms/m4.htm>
- ⁵ To derive this figure, Oxfam first identified all arms embargoes that were in force between 2000 and 2010, including those put in place by the UN, regional organisations, and multilateral initiatives. Oxfam only considered full embargoes on UN member states and disregarded all partial embargoes or those placed on non-governmental forces. We only counted full years when these embargoes were in effect – disregarding partial years when embargoes were either imposed or lifted. Oxfam counted data from two sources: the UN Comtrade database and the Stockholm International Peace Research Institute (SIPRI) Arms Transfers database, relying on figures from one or the other to determine imports and/or purchases. In the case of Zimbabwe, Oxfam had conflicting data from the two databases and chose to use the SIPRI data because it more accurately reflected the reality on the ground. The figure of \$2.2bn is therefore a conservative estimate, based on the data available for four countries under UN embargoes, five countries under EU embargoes, and one country under an OSCE (Organization for Security and Co-operation in Europe) embargo. Data from a further eight countries under UN embargoes, two countries under EU embargoes, and six embargoes on non-government forces were not available at the time of research. Furthermore, we have not included import data from China because it is not under a complete embargo by the EU. In fact, there is concrete evidence to suggest that EU members have consistently broken the terms of this embargo during the period in question. This is particularly significant because, according to the SIPRI database, China has imported in excess of \$22bn over the period in question.
- ⁶ Amnesty International (2010) *Killer Facts: The Impact of the Irresponsible Arms Trade on Lives, Rights and Livelihoods* (ACT 30/005/2010), London: Amnesty International, p. 3
- ⁷ Oxfam International (2011) "We are entirely exploitable": the lack of protection for civilians in eastern DRC", Oxfam Briefing Note, Oxford: Oxfam International, p. 2, <http://policy-practice.oxfam.org.uk/publications/we-are-entirely-exploitable-the-lack-of-protection-for-civilians-in-eastern-drc-136977>
- ⁸ Jack Straw (2005), 'Securing a Global Arms Trade Treaty', speech at the Institute of Civil Engineers, London, 15 March 2005; E. MacAskill (2005) 'Straw outlines treaty to regulate arms trade', the *Guardian*, 15 March, <http://www.guardian.co.uk/world/2005/mar/15/armstrade.politics>
- ⁹ T. Williams (2007) 'The Scope of the Arms Trade Treaty', presentation by Tim Williams, Society of British Aerospace Companies, at a Conference, 'Towards an International Arms Trade Treaty', Wilton Park, 7–10 December, http://www.adsgroup.org.uk/community/cms/content/preview/news_item_view.asp?i=17741
- ¹⁰ *Ibid.*
- ¹¹ For more information, see the Control Arms website: http://www.controlarms.org/index_c.php
- ¹² PA (2006) 'Cameron backs arms trade treaty', the *Guardian*, 10 May, <http://www.guardian.co.uk/politics/2006/may/10/foreignpolicy.uk>
- ¹³ Our World in Balance (2006) 'The Story of Julius Arile Lomerinyang', 26 June, <http://ourworldinbalance.blogspot.com/2006/06/story-of-julius-arile-lomerinyang.html>
- ¹⁴ PA (2006) *op. cit.*
- ¹⁵ D. Hillier (2007), *op. cit.*
- ¹⁶ HM Government (2010) *Programme for Government*, p. 22, http://www.cabinetoffice.gov.uk/sites/default/files/resources/coalition_programme_for_government.pdf
- ¹⁷ Committees on Arms Export Controls (2012) Uncorrected Transcript of Oral Evidence to be published as HC1697-i: evidence by Brinley Salzmann of ADS Group Ltd., 23 January 2012, <http://www.publications.parliament.uk/pa/cm201012/cmselect/cmquad/uc1697-i/uc169701.htm>
- ¹⁸ Control Arms (2012) 'Arms talks rescued from near derailment', news release, 17 February, www.controlarms.org
- ¹⁹ Statements at the final Preparatory Committee for the Arms Trade Treaty, New York, 13 and 17 February 2012
- ²⁰ Evidence submitted by Transparency International to UK Parliament Committees on Arms Export Controls Session 2010–2011, *op. cit.*
- ²¹ D. Cameron (2011) Speech at the Lord Mayor's Banquet, 14 November, <http://www.number10.gov.uk/news/lord-mayors-banquet/>
- ²² W. Hague (2011a) 'There will be no downgrading of human rights under this Government', Speech at the launch of *Human Rights and Democracy: The 2010 Foreign & Commonwealth Office Report*, 31 March 2011, <http://www.fco.gov.uk/en/news/latest-news/?view=Speech&id=576187382>
- ²³ *Ibid.*

- ²⁴ W. Hague (2011a), *op. cit.*
- ²⁵ Chatham House (2010) 'Britain's Place in a Changing World', transcript of event with William Hague and others, 3 March 2010, p. 20, <http://www.chathamhouse.org/sites/default/files/public/Meetings/Meeting%20Transcripts/030310ukrole.pdf>
- ²⁶ N. Clegg (2012) 'We can lead from the front in disarming', *The Independent on Sunday*, 19 February 2012, <http://tinyurl.com/6v53c3w>
- ²⁷ E. Miliband (2012) 'My reply to thousands of emails about an international Arms Trade Treaty', <http://www.edmiliband.org/my-reply-to-thousands-of-emails-about-an-international-arms-trad>
- ²⁸ A. Burt (2012) 'Westminster Hall debate on Human Rights', Hansard, 26 January 2012, <http://www.publications.parliament.uk/pa/cm201212/cmhansrd/cm120126/halltext/120126h0001.htm>
- ²⁹ D. Cameron (2010), *op. cit.*
- ³⁰ W. Hague (2011b), *op. cit.*
- ³¹ D. Hillier (2007), *op. cit.*, p. 9.
- ³² Amnesty International (2010), *op. cit.*
- ³³ *Ibid.*
- ³⁴ Reuters (2012) 'Russian-operated ship with bullets reaches Syria', 13 January 2012, <http://www.reuters.com/article/2012/01/13/syria-russia-ship-idUSL6E8CD4DD20120113>
- ³⁵ UN Stabilization Mission in the Democratic Republic of Congo (2010) 'Preliminary report of the fact-finding mission of the UN Joint Human Rights Office into mass rapes and other human rights violations by a coalition of armed groups along the Kibua-Mpofi road in Walikale, North Kivu, from 30 July to 2 August 2010', p. 2, http://www.ohchr.org/Documents/Countries/ZR/Rapport_preliminaire_viols_massifs_en.pdf
- ³⁶ The core of international humanitarian law is the Geneva Conventions, including the 4th Geneva Convention of 1949 on the Protection of Civilian Persons in Time of War, and two Additional Protocols of 1977. For a short summary of the law, please see E. Cairns (2008) *For a Safer Tomorrow: Protecting Civilians in a Multipolar World*, Oxford: Oxfam International, p. 20, <http://policy-practice.oxfam.org.uk/publications/for-a-safer-tomorrow-protecting-civilians-in-a-multipolar-world-112344>
- ³⁷ Evidence submitted by Transparency International to UK Parliament Committees on Arms Export Controls, Session 2010–2011, *op. cit.*
- ³⁸ T. Williams (2007), *op. cit.*
- ³⁹ Department for International Development, Foreign & Commonwealth Office, and Ministry of Defence (2011) *Building Stability Overseas Strategy*, para 10.12, <http://www.fc.gov.uk/resources/en/pdf/publications/annual-reports/bsos-july-11>
- ⁴⁰ Amnesty International (2008) *Blood at the Crossroads: Making the Case for a Global Arms Trade Treaty*, AI Index: ACT 30/015/2008, http://controlarms.org/wordpress/wp-content/uploads/2011/03/blood_at_the_crossroads_executive_summary_en.pdf
- ⁴¹ Human Rights Watch (2003) *Climate of Fear: Sexual Violence and Abduction of Women and Girls in Baghdad*, quoted in Amnesty International, IANSA and Oxfam International (2005) *The Impact of Guns on Women's Lives*, p. 29, AI Index: ACT 30/001/2005, <http://controlarms.org/wordpress/wp-content/uploads/2011/02/The-Impact-of-Guns-on-Womens-Lives.pdf>
- ⁴² Wilton Park (2011) 'Towards the 2012 Arms Trade Treaty Negotiation Conference', Conference Report, November 2011.
- ⁴³ For more details, please see: Prosecutor v Jean-Paul Akayesu (International Criminal Tribunal for Rwanda, 2001), Prosecutor v Kunarac, Kovac and Vukovic (International Criminal Tribunal for the former Yugoslavia, 2001), Rome Statute of the International Criminal Court (1998) and United Nations Security Council Resolution 1820 (2008).
- ⁴⁴ Organisation for Economic Co-operation and Development (OECD) (2007) 'Monitoring Resource Flows to Fragile States: 2007 Report', p. 41.
- ⁴⁵ Article 26 of the UN Charter
- ⁴⁶ Royal Africa Society (2012) 'Africa and the global arms trade', panel discussion, 20 March 2012, <http://royalafricansociety.org/events/details/1145-africa-and-the-global-arms-trade.html>
- ⁴⁷ DFID funds Oxfam GB for this work in a three-year programme running until April 2014. For more information, please contact Deepayan Basu Ray at: dbasuray@oxfam.org.uk
- ⁴⁸ T. Williams (2007), *op. cit.*
- ⁴⁹ Control Arms (2006), *The call for tough arms controls: voices from Haiti*, Oxford and London: Oxfam International, IANSA and Amnesty International, p. 2: <http://policy-practice.oxfam.org.uk/publications/the-call-for-tough-arms-control-voices-from-haiti-123916>

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